

1 STATE OF SOUTH CAROLINA )  
2 COUNTY OF RICHLAND )

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5 JUDICIAL MERIT SELECTION COMMISSION  
6 TRANSCRIPT OF PUBLIC HEARING

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\* \* \* \* \*

8 BEFORE: SENATOR GEORGE E. CAMPSER, III, CHAIRMAN  
9 REP. BRUCE W. BANNISTER, VICE-CHAIRMAN  
10 SENATOR GERALD MALLOY  
11 REP. G. MURRELL SMITH, JR.  
12 REP. J. TODD RUTHERFORD  
13 KRISTIAN C. BELL  
14 MICHAEL HITCHCOCK  
15 SENATOR GREG HEMBREE  
16 ANDREW N. SAFRAN  
17 JOSHUA L. HOWARD  
18 ELIZABETH H. BROGDON, CHIEF COUNSEL

19

20 DATE: November 29, 2016  
21 TIME: 9:58 a.m.  
22 LOCATION: Gressette Building, Room 105  
23 1101 Pendleton Street  
24 Columbia, South Carolina 29201  
25 REPORTED BY: LISA F. HUFFMAN, REPORTER

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## P R O C E E D I N G S

CHAIRMAN CAMPSSEN: Okay. We have all members present. I'm going to reconvene the Judicial Merit Selection Commission. I will entertain a motion to go into executive session for legal advice.

MR. SAFRAN: So moved.

SENATOR HEMBREE: Second.

CHAIRMAN CAMPSSEN: We have a motion by Mr. Safran. A second by Senator Hembree. Any discussion?

(No response.)

CHAIRMAN CAMPSSEN: No discussion. We will move immediately to a vote. All in favor indicate by saying "aye."

BOARD MEMBERS: "Aye."

CHAIRMAN CAMPSSEN: Opposed?

(No response.)

CHAIRMAN CAMPSSEN: The ayes have it. We are now in executive session and turn off your microphones.

(Off-the-record executive session.)

CHAIRMAN CAMPSSEN: We have risen from executive session. No decisions have been made, no votes taken. Mr. Hitchcock moves

1 that we recess until 11:35 --

2 MR. HITCHCOCK: Yes, sir.

3 CHAIRMAN CAMPSSEN: Is there a second?

4 MS. BELL: Second.

5 CHAIRMAN CAMPSSEN: There's a second from  
6 Ms. Bell. All in favor indicate by saying  
7 "aye."

8 BOARD MEMBERS: "Aye."

9 CHAIRMAN CAMPSSEN: Opposed?

10 (No response.)

11 CHAIRMAN CAMPSSEN: The ayes have it. So  
12 we're in recess until 11:35.

13 (Off the record.)

14 CHAIRMAN CAMPSSEN: Let's come back to  
15 order. We already came of executive session  
16 and so we were in recess and so we'll come  
17 back into session. We will take Jeffrey Bloom  
18 as Circuit Court, At-Large, Seat 1.

19 CHAIRMAN CAMPSSEN: Welcome, Mr. Bloom.  
20 Sorry for the delay.

21 MR. BLOOM: Not at all, I know you have  
22 many other responsibilities.

23 CHAIRMAN CAMPSSEN: Yes. Please raise  
24 your right hand.

25 (The candidate was sworn.)

1 CHAIRMAN CAMPSSEN: Have you had an  
2 opportunity to review your personal data  
3 questionnaire and sworn statement?

4 MR. BLOOM: I have.

5 CHAIRMAN CAMPSSEN: Are they correct?

6 MR. BLOOM: They are, sir.

7 CHAIRMAN CAMPSSEN: Does anything need to  
8 be changed?

9 MR. BLOOM: No, sir.

10 CHAIRMAN CAMPSSEN: Do you object to our  
11 making these documents and any amendments, if  
12 applicable, a part of the record of your sworn  
13 testimony?

14 MR. BLOOM: Not at all, sir.

15 CHAIRMAN BLOOM: It will be done at this  
16 time in the transcript.

17 [EXHIBIT 1, JUDICIAL MERIT SELECTION  
18 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR  
19 JEFFREY P. BLOOM, ADMITTED.]

20 [EXHIBIT 2, SWORN STATEMENT FOR  
21 JEFFREY P. BLOOM, ADMITTED]

22 CHAIRMAN CAMPSSEN: Do you have some  
23 people you would like to introduce?

24 MR. BLOOM: My wife is here, Karen  
25 Newell Bloom.

1 CHAIRMAN CAMPSSEN: Welcome, Karen.

2 MR. BLOOM: She is here to support me and  
3 then -- and then just a friend of ours also is  
4 here.

5 CHAIRMAN CAMPSSEN: Okay. Thank you. The  
6 Judicial Merit Selection Commission has  
7 thoroughly investigated your qualifications  
8 for the bench. Our inquiry is focused on nine  
9 evaluative criteria and has included a ballot  
10 box survey, thorough study of your application  
11 materials, verification of your compliance  
12 with state ethic laws, search of newspaper  
13 articles in which your name appears, study of  
14 previous screenings, check for economic  
15 conflicts of interest. We have received no  
16 affidavits filed in opposition to your  
17 election. No witnesses are present to  
18 testify.

19 Do you have a brief opening statement you  
20 would like to make at this time?

21 MR. BLOOM: Very briefly. I would like  
22 to comment that I appreciate this opportunity  
23 from the Committee to appear before it. And I  
24 want to -- I know this may be odd as an  
25 opening statement, I want to commend the

1 process we have in South Carolina. I am also  
2 a licensed attorney in North Carolina and  
3 their judges have to campaign with campaign  
4 contributions and billboards and signs and the  
5 process that this body goes through is ten  
6 times better not only than our sister state,  
7 but any other state. And -- and so I commend  
8 the process and the time that you all have  
9 devote to it and I mean that sincerely.

10 CHAIRMAN CAMPSER: Thank you. Please  
11 answer counsel's questions.

12 MR. MALDONADO: Thank you, Mr. Chairman.  
13 I note for the record that based on the  
14 testimony contained in the candidates PDQ,  
15 which has been included in the record with the  
16 candidate's consent, Jeffrey meets the  
17 constitutional and/or statutory requirements  
18 for this position regarding age, residence,  
19 and years of practice.

20 EXAMINATION

21 (By Mr. Maldonado)

22 **Q. Mr. Bloom, why do you now want to serve as a**  
23 **Circuit Court Judge?**

24 **A.** My answer is offered in all humility. Quite  
25 simply, Mr. Chairman and Members, I think I'd be

1 good at it and I think I would bring honorable and  
2 positive service to this state.

3 I have practiced law for over 25 years as a  
4 trial lawyer. I can think of no better experience  
5 in preparation for someone who is going to be  
6 honored with -- with a Circuit Court position.

7 I have appeared in every circuit in this  
8 state. I know sheriff's, clerks of court,  
9 solicitors, as well as members of the private bar  
10 and I think I would bring both strong ethics as  
11 well as courtesy, civility, and -- and -- and  
12 knowledge of the basic rules of evidence and how  
13 laws practice in our trial courts.

14 **Q. Thank you, Mr. Bloom. How do you feel your legal**  
15 **and professional experience thus far will assist**  
16 **you in becoming an effective Circuit Court Judge?**

17 A. It -- and I may have answered that so I don't want  
18 to repeat myself too much. I -- I -- I can  
19 honestly tell this Committee I am not aspiring to -  
20 - to -- to be a Circuit Court Judge and then  
21 attempt to move on from there to an Appellate Court  
22 or anything of that nature. I truly love the  
23 experience of trial law, being in court every day.  
24 Practicing the rules of evidence. Practicing with  
25 members of the bar both in the civil bar and

1 opposite members and solicitor's offices and -- and  
2 I think the experience and skills I've attained in  
3 that would -- would be of benefit on the Circuit  
4 Court bench.

5 **Q. Mr. Bloom, what do you perceive as the most**  
6 **important issues facing state courts today?**

7 A. Probably the docket. You can go into any circuit  
8 and -- and both in Common Pleas Court as well as  
9 General Sessions Court. The -- the administration  
10 of those dockets, the clerks of court will tell  
11 you, the long wait that -- that citizens have in  
12 terms of getting into court whether it's a civil  
13 case or the prosecutors have in terms of getting a  
14 case before a jury or a judge. And -- and that is  
15 probably one of the most compelling issues that --  
16 for -- that face our Circuit Courts these days.  
17 And it -- and it's not an easy problem to fix.

18 My -- my brief response to that is I don't  
19 think there's any one cookie cutter approach that  
20 can fit Horry County, or Lancaster County, or  
21 Newberry, or Aiken, or Bamberg, or Cherokee. It is  
22 something that I think circuit judges have an  
23 obligation to work with their local sheriffs, their  
24 local clerks of court, their local solicitors, and  
25 the local private bar with -- with solutions that

1 work for that county and that circuit to move those  
2 dockets forward.

3 **Q. Mr. Bloom, if you became aware of unethical conduct**  
4 **on the part of the trial advocate in a case in**  
5 **which you were presiding, how would you handle it?**  
6 **Do you believe judges should be required to report**  
7 **attorney misconduct?**

8 A. Well, the -- the Judicial Canons govern that and  
9 an unethical conduct is a broad panoply of  
10 potential hypotheticals. I suppose that the short  
11 answer it would really depend upon what the  
12 particular situation is.

13 If -- if, you know, it was something that is  
14 not a -- a serious breach of ethics, I have often  
15 seen very wise and experienced circuit judges not  
16 berate those attorneys in open court, but to call  
17 them into chambers and counsel them on the matter.  
18 Obviously, if it's something more serious of a  
19 nature it would need to be reported. I hope that  
20 answers your questions, but -- but it covers a  
21 broad area of -- of potential conduct.

22 **Q. Sure. Mr. Bloom, the Commission received 145**  
23 **ballot box surveys regarding you, with 21**  
24 **additional comments. The ballot box survey, for**  
25 **example, contained the following positive comments.**

1 "Jeff Bloom is a legal scholar and a person of  
2 highest moral character. I feel confident that he  
3 will use his talents and intellect to benefit the  
4 legal community as well as all the citizens of  
5 South Carolina. We would be well served to  
6 capitalize on his years of legal study and practice  
7 by electing him to the bench. As a prosecutor that  
8 deals with judges every day it would be wonderful  
9 to have someone on the bench who possesses his  
10 breadth of legal knowledge and experience."

11 Also, "I have been in the trenches with Mr.  
12 Bloom on multiple cases involving complex  
13 litigation. His ethics and morals are beyond  
14 reproach. He is a legal scholar. He's the best  
15 candidate for this seat on the bench."

16 Four of the written comments express concerns.  
17 For example, "although Mr. Bloom is a friendly and  
18 likable individual I again question whether he  
19 would be unbiased and fair in criminal cases."

20 Another comment read, "much of this  
21 candidate's works goes beyond being merely critical  
22 of the justice system and instead denotes that he  
23 does not believe in any system of justice is  
24 appropriate in the society. Do not believe that  
25 this candidate could preside in an objective, even-

1           **handed manner or issue a decision based on --**  
2           **solely upon the law without injecting personal**  
3           **bias."**

4                   **What response would you offer these concerns?**

5       A.    I -- I appreciate that and I appreciate that  
6           opportunity.  Let me address the two last comments,  
7           Mr. Maldonado, you cited.

8                   One, is a concern of -- from a prosecutor as  
9           to whether or not I would be biased.  My approach  
10          in that is, you know, I'm a Boy Scout.  I've been a  
11          Boy Scout all my life.  My sons are Eagle Scouts.  
12          I'm the Scout Master at the local Scout Troop and I  
13          try to let the Scout Oath and Law guide my moral  
14          compass, as well as my courtesy and civility.  And  
15          if I heard a comment like that, to me feedback is a  
16          gift.  And I would make every effort to strive to  
17          address that attorney's concerns, whether they were  
18          made to me or made anonymously or through another  
19          source.  I would be open to that feedback as a  
20          gift.  And so I would strive to address those  
21          potential concerns of bias.

22                   There are judges out there whom I admire very  
23          much, such as Judge Newman, out of Kingstree, a  
24          former Attorney General; Judge Keesley out of  
25          Lexington, a former solicitor.  And -- and I would

1 attempt to model as they have done to breach that  
2 -- that concern of potential bias and make sure  
3 everyone is treated fairly.

4 The last comment, however, I -- I -- I  
5 appreciate the opportunity to address to, the --  
6 regarding the win at all cost kind of comment. My  
7 father taught me that while feedback is a gift, one  
8 also needs to balance that with strength and wisdom  
9 along with humility. If you look at the character  
10 letters that have been submitted on my behalf, I  
11 have never been that kind of attorney. I've never  
12 been an attorney who tries to win at all costs or  
13 -- or cast aside the interest of justice.

14 I have letters in my packet, as you have seen,  
15 from the Sheriff of Horry County, Phillip Thompson;  
16 from the Sheriff of Calhoun County, Thomas Summers;  
17 both non-lawyers and whom I've dealt with over the  
18 years. Solicitor Barry Barnette from Spartanburg  
19 has submitted a written letter of endorsement.  
20 There are numerous other solicitors in this state  
21 who -- who have told me, since we are limited to  
22 five letters of character, that they would be glad  
23 to attest to my character and my sense of fair  
24 play. Jimmy Richardson from Horry County knows me  
25 well and would do that. Scarlett Wilson from

1 Charleston is a solicitor who knows me well and  
2 would attest to that. Dan Johnson from here in  
3 Richland County knows me well and attest -- would  
4 attest to that.

5 So in that regard, while feedback is a gift,  
6 at some point one also has to recognize that there  
7 will always be critics and -- and one has to go  
8 forward with humility and courtesy, but balance  
9 that with strength and wisdom.

10 **Q. Thank you, Mr. Bloom. I have a couple of**  
11 **housekeeping issues. Since submitting your letter**  
12 **of intent, have you sought or received the pledge**  
13 **of any legislator either prior to this date or**  
14 **pending the outcome of your screening?**

15 A. No, sir.

16 **Q. Have you asked any third parties to contact members**  
17 **of the General Assembly on your behalf or are you**  
18 **aware of anyone attempting to intervene in this**  
19 **process on your behalf?**

20 A. No, sir.

21 **Q. Since submitting your letter of intent to run for**  
22 **this seat, have you contacted any members of the**  
23 **Commission about your candidacy?**

24 A. No, sir.

25 **Q. Do you understand that you're prohibited from**

1           **seeking a pledge or commitment directly or**  
2           **indirectly until 48 hours after the formal release**  
3           **of the Commission's report? And are you aware of**  
4           **the penalties for violating the pledging rules?**

5           A.    Yes, sir, I understand that.

6                         MR. MALDONADO:  I would note that the  
7           Midlands Citizens Committee found Mr. Bloom to  
8           be qualified in the evaluative criteria of the  
9           constitutional qualifications, physical  
10          health, and mental stability; and is well  
11          qualified in the remaining criteria of ethical  
12          fitness, professional and academic ability,  
13          character, reputation, experience, and  
14          judicial temperament.  The Midlands Committee  
15          also stated Mr. Bloom is intellectually bright  
16          and has experience in both criminal and civil  
17          law.  He displays an excellent temperament.  
18          This wide breadth of experience prepares him  
19          well for this position.  Mr. Bloom is  
20          motivated to serve his community for all the  
21          right reasons.

22                         I would just note for the record that any  
23          concerns raised during the investigation  
24          regarding this candidate today were  
25          incorporated in the questioning of the

1 candidate.

2 Mr. Chairman, I have no further  
3 questions.

4 CHAIRMAN CAMPSEN: Thank you. Any members  
5 have any questions for Mr. Bloom?  
6 Representative Rutherford.

7 EXAMINATION

8 (By Representative Rutherford)

9 Q. Mr. Bloom, I just want to start off by stating that  
10 I've known you since I started practicing law and I  
11 find you to be a zealous advocate, but not over  
12 zealous. But I didn't want you to take too much  
13 offense to those negative comments because that  
14 seems to be par for the course for any lawyer that  
15 runs for something, somebody has got something  
16 negative to say.

17 Your comments about the docket and one of the  
18 things that -- I'll take you back to that. One of  
19 the things that has concerned me over the years,  
20 and other members of the Committee as well, is how  
21 do we balance -- and maybe you don't have an answer  
22 to this and if you don't that's fine too, but how  
23 do we balance the docket and the need for the  
24 docket to continue moving with lawyer quality of  
25 life? How do we balance allowing an advocate in

1 the process on General Session side, the solicitor  
2 to call the case and balance that with the defense  
3 attorney's quality of life and being able to  
4 prepare a case when you're getting notice a week  
5 out on a case that's four years old or -- how do we  
6 balance that which if we don't hold it dear, we  
7 certainly should, which is lawyers' ability to be  
8 lawyers, to work at a craft, a profession, without  
9 feeling the need to drink on a daily basis or to  
10 raise the suicide rate among lawyers; how do we  
11 balance that successfully? And you've been  
12 practicing law long enough that I'm hoping you'll  
13 have some insight as to how we do that.

14 A. I -- I don't have a magic answer to that, but given  
15 the context of why we're here, I think a circuit  
16 judge has a huge part to play in that.  
17 Representative Rutherford, you and other members  
18 know me. I've been a public defender. I've been  
19 in private practice. My wife, Karen Bloom, is an  
20 Assistant Solicitor in Chester County. I get it.  
21 I get both the law enforcement side as well as the  
22 needs to balance lawyers.

23 And I -- I think the role a Circuit Court  
24 Judge can play in that is, one, to make sure all  
25 parties, both the litigants in a case as well as

1 the lawyers are -- are -- feel that they're being  
2 treated fairly. That defense counsel, whether it's  
3 a civil or criminal case, don't feel that they're  
4 being surprised at the last minute or -- or -- put  
5 upon to do more than they can handle, particularly  
6 lawyers in private practice, solo practice, I get  
7 that.

8 On the other hand, I get solicitors who --  
9 who've attempted to call a case multiple times with  
10 continuances. My wife -- as I said, Karen goes  
11 through that in Chester County. They have court  
12 one week a month so that one week is very important  
13 to them.

14 And I -- I think as a circuit judge you need  
15 to be aware of all those moving parts. You need to  
16 be aware of lawyers who have conflicting schedules  
17 and conflicting responsibilities. And try best to  
18 get the parties together to work it out. You know,  
19 I -- I consider myself very privileged. Whether  
20 you select me or not I grew up in a legal  
21 environment in Horry County before there was that  
22 big beautiful courthouse that we now have, under  
23 Sidney Floyd, the late Sidney Floyd, who served in  
24 this body and -- and other judges of that nature.  
25 And -- and -- and we used to get yelled at in court

1 and dressed down and -- but I learned from that and  
2 I grew from that.

3 And -- and we've had much other -- you know,  
4 other judges these days who are more open to making  
5 sure the parties work together. And one of the  
6 things I learned when I was in Horry County is that  
7 your word is your bond and that's a two-way street  
8 between lawyers and judges. And if you look at the  
9 character letters I've submitted from sheriffs and  
10 solicitors you will see that my word is my bond and  
11 I think that has a huge part to play in docket  
12 control, as well as the quality of life for  
13 solicitors, private attorneys, and public  
14 defenders, that you try to work through that.

15 Often times we would spend -- when I was a  
16 baby lawyer, more time in the judges chambers  
17 trying to work things out with courtesy and  
18 civility, than we did filing motions in the  
19 courtroom. And -- and I'm not talking about the ex  
20 parte conversations. I'm talking about trying to  
21 bring parties together in -- in a realm of courtesy  
22 and civility.

23 I had lunch just last week with solicitor  
24 elect Rick Hubbard of Lexington and -- and some of  
25 what we talked about was our families and other

1 things and some was of legal nature, which I won't  
2 go into. But it's those kinds of relationships, I  
3 think, that are important in our legal community so  
4 people feel that -- that they're not being  
5 surprised or coerced or put upon, but that we're  
6 all part of a judicial team working towards  
7 justice.

8 I hope that answers your question. I hope it  
9 wasn't to long.

10 **Q. That's all right.**

11 CHAIRMAN CAMPSEN: Representative Smith?

12 REPRESENTATIVE SMITH: Thank you, Mr.  
13 Chairman.

14 EXAMINATION

15 (By Representative Smith)

16 **Q. Mr. Bloom, Senator Malloy and I both serve on the**  
17 **Indigent Defense Commission and I notice from time**  
18 **to time you get appointed to --**

19 **A. Yes, sir.**

20 **Q. -- death penalty cases. So my concern here or what**  
21 **I want to understand from you is where -- how many**  
22 **death penalty cases do you have? Where are you in**  
23 **the process? If you were elected a judge, is that**  
24 **going to disrupt any scheduled trials for a death**  
25 **penalty case you have pending?**

1 A. I appreciate that question. The short answer is,  
2 no. I currently only have two cases in South  
3 Carolina. One is in Federal Court out of  
4 Greenville and is on a stay. The other, it was a  
5 State Court case, but it -- but it's in federal  
6 habeas. The other is a retrial out of the 11th  
7 Circuit that it happens to be with no trial date  
8 set.

9 **Q. No trial date has been set.**

10 A. My co-counsel in that is actually is from the  
11 Indigent Defense Office, Bill McGuire and -- and he  
12 has protection in -- in the Charleston case. So  
13 the other case is in early stages and -- and if I  
14 were honored with such an election it -- substitute  
15 counsel could easily be --

16 **Q. Okay.**

17 A. -- stand in.

18 **Q. So no trial dates have been scheduled or anything?**

19 A. No, sir, just those two.

20 **Q. All right. Thank you, Mr. Bloom.**

21 A. And if I may, I know -- I know this question wasn't  
22 asked but -- but some folks say, well being a death  
23 penalty litigator, you know, how can you be fair?

24 I -- I have three short responses to that if I may.

25 One, I'm the only attorney in South Carolina

1           that I know of who has gone through victim training  
2           and I paid for that myself. I went through a two  
3           week course at a college in the Shenandoah Valley  
4           and then I went through a 40 hour course out of  
5           Atlanta, Georgia, to sensitize myself and  
6           appreciate what victims go through, whether it's a  
7           shoplifting case at the Bi-Lo or a homicide case.  
8           So I don't think you have a letter from sheriff's  
9           or solicitor Barnette or the other solicitors I've  
10          mentioned if they felt that my prior capital  
11          litigation would interfere with my judgment or any  
12          bias.

13                 And in that regard the law is the law. I've  
14          been asked the question, what if you were a judge  
15          in a capital case? You make the law. I believe in  
16          separation of powers, deeply. Judges do not make  
17          our law. We apply what the legislature gives us  
18          and I could apply the law in any case.

19                 Third, as I said and I -- I hate to keep going  
20          back to her, but she's a wonderful woman. My Karen  
21          Fryar Bloom is a solicitor. I get it. She brings  
22          home every day stories of victims she's dealt with  
23          and the hard cases she's had. I think that  
24          experience and working with other solicitors such  
25          as Rick Hubbard, Barry Barnette, Jimmy Richardson,

1           Scarlett Wilson, I appreciate the job we all do  
2           together. Thank you. I didn't mean to ramble on  
3           there.

4           **Q.** Mr. Bloom, let me follow up on that with you  
5           because I -- I didn't mean to imply when I asked  
6           that question -- I'm more concerned about  
7           disrupting the process of a death penalty because  
8           that's a serious case for both the defendant and  
9           the victims in this matter. But I want to tell you  
10          is I see you having death penalty experience as an  
11          asset to the bench. And whether it's the solicitor  
12          or whether it's the public defender, someone with  
13          experience in death penalty cases is a rarity  
14          that's come on to the bench. And I think you've  
15          seen of late a lot of these cases are being  
16          overturned on issues of once they -- just mistakes  
17          or errors of law that's occurred and I see more and  
18          more death penalty cases overturned. So I think  
19          the importance of having someone with knowledge of  
20          the death penalty law is an asset that we need to  
21          have more of on the bench because a lot of these  
22          judges are learning trial by fire.

23                 I mean, I'll tell you, I handled one, the guy  
24                 appointed when I was a public defender, one death  
25                 penalty and it was difficult, it was made easier by

1 Judge Knox McMahon -- my prosecutor, Senator  
2 Hembree, and he was a pleasure to work with in that  
3 case. But if I had to now defend a death penalty  
4 case, I couldn't do it. I don't have the  
5 experience. I have not kept up with the law. And  
6 I'm still questioning whether I should be death  
7 penalty certified and, you know, that's one thing  
8 with the capital trial division I think that's been  
9 afforded to the system of justice, but the  
10 experience that you bring on that end, whether  
11 you're a prosecutor or whether you're a defender is  
12 something that's -- is an important asset to bring  
13 to the bench.

14 A. Thank you, sir. I believe that cases are tried  
15 best one time.

16 Q. Yes, sir.

17 A. I would note too out of any concern, I -- over the  
18 last five years I have practiced a good bit in  
19 Common Pleas. I -- I -- I quite intentionally went  
20 out and sought colleagues of mine who had civil  
21 cases. I've done bankruptcy cases, landlord/tenant  
22 cases, a personal injury case where a teenage girl  
23 was hit in a crosswalk and her leg was broken,  
24 nothing major.

25 I -- I have done -- I suppose a weakness of

1 mine would be class action suits or -- or major  
2 product liability cases. I -- I acknowledge I  
3 haven't done those, but I understand the Rules of  
4 Civil Procedure as well. I get summary judgment  
5 and -- and discovery. And quite frankly, the rules  
6 of evidence that apply in criminal cases apply in  
7 civil cases. So I think what I would bring is --  
8 is over 25 years of -- of knowledge of real trial  
9 law -- real trial law and I would be humbled and  
10 honored if -- if this Committee sought to -- to  
11 acknowledge that experience.

12 CHAIRMAN CAMPSEN: Thank you. Any other  
13 questions?

14 (No response.)

15 EXAMINATION

16 (By Chairman Campsen)

17 **Q. Mr. Bloom, I know that personally I've been on**  
18 **several Boy Scout camping trips --**

19 A. Yes, sir.

20 **Q. -- with the troop. You had a troop in Columbia**  
21 **that my nephews were in.**

22 A. Correct.

23 **Q. I remember one night camping in the snow in Calhoun**  
24 **County. We got --**

25 A. That's correct.

1 Q. -- at my brother-in-law's farm.

2 A. Kind of frisky.

3 Q. And just a question, brief responses --

4 A. Yes, sir.

5 Q. -- we are kind of behind, but --

6 A. Yes, certainly.

7 Q. -- are there any character traits that lead you to  
8 be a volunteer in Boy Scouts that would make you a  
9 -- would be of benefit to you as a judge? What is  
10 the -- what are the common -- what are the  
11 character traits that lead you to -- because you've  
12 been very involved I know, that would -- how would  
13 that impact your --

14 A. Yes, sir.

15 Q. -- serving as a judge?

16 A. And I'm a current Scout Master of -- of a troop  
17 that's very much in need. Forty percent of the  
18 scouts there come from single parent households and  
19 -- and I continue to serve that way and I enjoy it.  
20 I love it. My short answer, Chairman Campsen,  
21 would be my daddy was an Eagle Scout, my brother is  
22 an Eagle Scout, I'm an Eagle Scout, my two sons are  
23 Eagle Scouts. I take that seriously. I -- I take  
24 the -- the Boy Scout law that honors trust and  
25 honesty, that honors civility through a scout who's

1           courteous and loyalty -- loyalty to a judge's oath  
2           and to this state.

3           I would humbly and respectfully submit, Mr.  
4           Chairman, that those are the qualities that would  
5           guide me and -- and I humbly believe make me a -- a  
6           good Circuit Court Judge. Not because I'm the  
7           smartest lawyer in the room. I appreciate those  
8           accolades Mr. Maldonado read. And not because I  
9           the best trial lawyer in the room, but I have  
10          always -- every time I step in that courtroom been  
11          guided by trust, civility, courtesy and respect for  
12          whoever the other lawyer is on the other side.

13          Every time I finish a trial, I shake the hands  
14          of that prosecutor. I've done that and I learned  
15          that in Horry County from the judges and the  
16          lawyers there. So I appreciate that. Thank you,  
17          Chairman Campsen.

18                 CHAIRMAN CAMPSSEN: Thank you. Any other  
19                 questions?

20                 (No response.)

21                 CHAIRMAN CAMPSSEN: Okay. Mr. Bloom,  
22                 thank you so much. That concludes this  
23                 portion of our screening process. As you know  
24                 the record will remain open until the formal  
25                 release of the report of qualifications. And

1                   you may be called back at such time if the  
2                   need arises. I thank you for offering and  
3                   thank you for your service to South Carolina.

4                   MR. BLOOM: Thank you very much.

5                   (Candidate excused.)

6                   CHAIRMAN CAMPSER: Welcome, Ms.  
7                   Jefferson.

8                   MS. JEFFERSON: Thank you.

9                   CHAIRMAN CAMPSER: Please raise your  
10                  right hand.

11                  (The candidate was sworn.)

12                  CHAIRMAN CAMPSER: Have you had an  
13                  opportunity to review your personal data  
14                  questionnaire and sworn statement?

15                  MS. JEFFERSON: Yes, I have.

16                  CHAIRMAN CAMPSER: Are they correct?

17                  MS. JEFFERSON: Yes, sir.

18                  CHAIRMAN CAMPSER: Does anything need to  
19                  be changed?

20                  MS. JEFFERSON: No, sir.

21                  CHAIRMAN CAMPSER: Do you object to our  
22                  making these documents and any attachments, if  
23                  applicable, a part of the record of your sworn  
24                  testimony?

25                  MS. JEFFERSON: I do not.

1                   CHAIRMAN CAMPSSEN: It will be done at  
2 this point in the transcript.

3                   [EXHIBIT 3, JUDICIAL MERIT SELECTION  
4 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR  
5 MELIAH BOWERS JEFFERSON, ADMITTED.]

6                   [EXHIBIT 4, SWORN STATEMENT FOR MELIAH  
7 BOWERS JEFFERSON, ADMITTED.]

8                   CHAIRMAN CAMPSSEN: Do you have some  
9 family members or friends with you today that  
10 you would you like to introduce?

11                   MS. JEFFERSON: Yes, sir. I also want to  
12 make clear for the record that I did make an  
13 amendment to my PDQ, which is -- which Ms.  
14 Legare has and I just wanted to make sure that  
15 was also part of the record.

16                   CHAIRMAN CAMPSSEN: Okay.

17                   MS. JEFFERSON: But I do want to briefly  
18 acknowledge and thank my husband, Shawn  
19 Jefferson, for his support today.

20                   CHAIRMAN CAMPSSEN: Welcome, Mr.  
21 Jefferson.

22                   MS. JEFFERSON: And also my dear friend  
23 and cousin Unicka Saunders for being here with  
24 me today.

25                   CHAIRMAN CAMPSSEN: Welcome, Ms. Saunders.

1           Okay. Thank you.

2           The Judicial Merit Selection Commission  
3           has thoroughly investigated your  
4           qualifications for the bench. Our inquiry is  
5           focused on nine evaluative criteria and has  
6           included a ballot box survey, thorough study  
7           of your application materials, verification of  
8           your compliance with state ethics laws, search  
9           of newspaper articles in which your name  
10          appears, study of previous screenings, check  
11          for economic conflicts of interest. We have  
12          no affidavits filed in opposition to your  
13          election. No witnesses are present to  
14          testify.

15          Do you have a brief opening statement you  
16          would like to make at this time?

17          MS. JEFFERSON: Chairman, I would simply  
18          like to thank you and the members of the  
19          Commission for your service. I also would  
20          like to thank Elizabeth Brogdon, Ms. Legare,  
21          and Paula Benson for all of their help to me  
22          through this application and screening  
23          process. I truly appreciate the opportunity  
24          to be here today.

25          CHAIRMAN CAMPSEN: Okay. Thank you.

1 Please answer counsel's questions.

2 MS. BENSON: Mr. Chairman, I note for the  
3 record that based on the testimony contained  
4 in the candidate's PDQ which has been included  
5 in the record, with the candidate's consent,  
6 Meliah Bowers Jefferson meets the  
7 constitutional and/or statutory requirements  
8 for this position regarding age, residence,  
9 and years of practice.

10 EXAMINATION

11 (By Ms. Benson)

12 **Q. Mrs. Jefferson, why do you now want to serve as a**  
13 **Circuit Court Judge?**

14 A. Well, the primary reason that I am here is because  
15 I have a fundamental belief in the fair and  
16 efficient administration of our legal system. And  
17 I believe that it depends on commitment of  
18 intelligent, hard working, and dedicated public  
19 service to make sure it functions at its best and  
20 highest levels for the good of all South  
21 Carolinians.

22 I hope that you see those types of  
23 characteristics in me and I would add that of those  
24 characteristics, the judges that I most respect are  
25 those who recognize the significance of public

1 service. The importance of service to the  
2 community was an integral lesson that I learned  
3 very early in my career. And every career decision  
4 that I've made since then has been influenced by my  
5 desire to make a difference, a larger impact on the  
6 community around me.

7 So I want to be a Circuit Court Judge because  
8 I am passionate about the law. I am committed to  
9 -- to the work of making our courts more effective  
10 and efficient. I want to contribute to the  
11 positive view of the judiciary and build confidence  
12 in our judicial system. But most of all, I want to  
13 make a difference through service to the community  
14 at one of the highest levels that I can do through  
15 my legal skills.

16 **Q. Thank you. Mrs. Jefferson, how do you feel that**  
17 **your legal and your professional experience thus**  
18 **far will assist you in being an effective Circuit**  
19 **Court Judge?**

20 A. When I -- when I think about this particular  
21 question I have to look back at the experiences  
22 throughout my career and I feel as though I have  
23 been trained to be in this office for my entire  
24 career since I left law school. My experience has  
25 been an interesting mix of private practice and my

1 experience through judicial clerkships.

2 That has given me a very balanced and  
3 comprehensive perspective useful to a judge. I  
4 have been involved in an adjudication of a very  
5 wide range of civil and criminal matters from  
6 various viewpoints, as a litigant, as an advocate,  
7 as a clerk in the trial court, and as a clerk in  
8 the Appellate Court system.

9 In my law practice, I represent plaintiffs and  
10 defendants in state and federal court, both at the  
11 trial and appellate levels. I handle cases  
12 involving personal injury, commercial law,  
13 constitutional law, class action litigation, and  
14 disputes over intellectual property for a wide  
15 variety of clients, including elected officials,  
16 government agencies, businesses of all sizes, and  
17 people from all walks of life.

18 As a clerk at the South Carolina Supreme Court  
19 I worked on a broad range of civil matters, post  
20 conviction relief cases, and criminal appeals,  
21 including death penalty appeals. I was also  
22 privileged to have the opportunity to see and  
23 participate in court administration activities.

24 Perhaps the best experience I had that are  
25 directly transferrable to what a judge does on a

1 day-to-day basis, was the time that I spent as a  
2 clerk to a Federal District Court Judge. While I  
3 recognize that there are differences between the  
4 two courts, I think that there was no better  
5 training than sitting beside the District Court  
6 Judge during many motion hearings, during trial,  
7 after trial, and we had a lot of trials, and  
8 helping her work through her case management and  
9 her workload as her lead law clerk. That was  
10 excellent training, I think, for the work that I  
11 would do as a trial court judge on the Circuit  
12 Court level.

13 My personal experiences I think also enhance  
14 my ability to be an effective judge. I understand  
15 what it's like to be -- to navigate the court  
16 system as a litigant and as a victim. I'm a small  
17 business owner. I am -- and not just from the  
18 perspective of my partnership interest in my law  
19 firm, but my husband and I own a trucking company.  
20 And we have employees who have had interactions  
21 with the state court system and the way that our  
22 system is set up does not easily accommodate the  
23 average employee, but I think that my background  
24 has given me some context in which I can handle  
25 those employee situations perhaps in a different

1 manner than other employers with less experience  
2 with the system.

3 I've been a victim of crime and I understand  
4 how the temperament and demeanor of a judge can  
5 make that experience either one that can move you  
6 past that bad experience, or keep you in that  
7 moment of terror. And I've also had to use the  
8 courts to protect my interest as a litigant. So my  
9 -- my whole point is that I've seen the court  
10 function from many different viewpoints and each of  
11 those experiences will help to make me a better  
12 judge.

13 **Q. Mrs. Jefferson, what do you perceive as the most**  
14 **important issues facing state courts today?**

15 A. I think that some of the most issues facing the  
16 court right now are the efficient administration of  
17 caseloads. Our dockets are extremely clogged and I  
18 think that we are currently working on that  
19 problem. I know as being an active -- very active  
20 part of the South Carolina Bar and being involved  
21 with some activities that the South Carolina  
22 Supreme Court is currently doing, I know that we  
23 are trying to come up with effective solutions to  
24 solve that such as electronic filing and things  
25 like that.

1           But we still have a system that moves really  
2 slowly and a slow judicial system is an ineffective  
3 judicial system, particularly for our businesses  
4 who expect that their issues will be decided  
5 quickly for purposes of moving their business  
6 forward and for individuals who need finality and  
7 resolution to different things that are going on.  
8 So I think that there is a real opportunity for us  
9 to observe what the federal courts are doing, to  
10 observe what other states are doing, and  
11 incorporate some of those innovative technicians  
12 into how we run our court system to make it more  
13 efficient and fair to everyone.

14 **Q. Mrs. Jefferson, if you became aware of any**  
15 **unethical conduct on the part of a trial advocate**  
16 **in a case you were presiding over, how would you**  
17 **handle it? And do you believe judges should be**  
18 **required to report attorney misconduct?**

19 **A.** I think -- I absolutely think that judges should be  
20 required to report attorney misconduct. And if  
21 there's someone before me who is not acting in an  
22 ethical way or someone who's violating our  
23 professional rules of ethics then I think that it  
24 is incumbent upon me as a judge, someone who's  
25 presiding over those proceedings, to make sure that

1 I bring attention to that. Make sure that they --  
2 whoever is not acting ethically to make sure that  
3 they know that, that behavior has not gone  
4 unnoticed if it is appropriate for me to do so.  
5 And also to make sure that it is properly addressed  
6 with the appropriate authority. If -- if that is  
7 the Disciplinary Counsel then that's who I need to  
8 report it to. But we need to make sure that  
9 everybody in the system is treated fairly and  
10 justly and I think an intricate part of that is  
11 making sure that the advocates in our systems are  
12 operating under the appropriate ethical rules.

13 **Q. Thank you. Mrs. Jefferson, the Commission received**  
14 **113 ballot box surveys regarding you, with 18**  
15 **additional comments being made. There was -- there**  
16 **were a number of very positive comments, including**  
17 **"excellent candidate, perfect temperament,**  
18 **gracious, smart, compassionate, one of the bar's**  
19 **young superstars."**

20 Only one of the comments indicated a concern  
21 and that was that at this stage in your career you  
22 do not have the experience necessary for a judicial  
23 position. What would your response be to that  
24 concern?

25 **A. Well, I -- I acknowledge and appreciate that**

1 someone would bring their concerns to this body.  
2 But I would also like to point out that my  
3 experience should not be categorized just simply by  
4 the number of years that I've been out of law  
5 school. That comment is probably reflective of my  
6 age and probably not representative of the type of  
7 legal work that I've done since I got out of law  
8 school.

9 My private practice, my law practice is quite  
10 sophisticated. I have a number of matters that I  
11 handle as lead attorney or the sole attorney. I  
12 have done trials -- full bench trials and jury  
13 trials. And I have had the opportunity to handle  
14 civil and criminal matters from the side of the  
15 bench that I'm now asking you to find me well  
16 suited to -- to -- to see -- to do now.

17 So I think that I've had a very wide breadth  
18 of experiences that make me well qualified to sit  
19 as a Circuit Court Judge and those experiences may  
20 be not necessarily traditional, but they are  
21 elaborate and comprehensive.

22 MS. BENSON: Mr. Chairman, I would just  
23 note for the record that Mrs. Jefferson  
24 disclosed in her PDQ that she had once been  
25 named as a defendant in a civil rights case.

1           That was during a time when she was a law  
2           clerk for Judge Childs. Judge Childs along  
3           with a number of public officials were also  
4           named in that. It was a pro se prisoner  
5           lawsuit and the end result was that the case  
6           was found to be frivolous and dismissed with  
7           prejudice.

8           **Q. Is there anything else that you would add about**  
9           **that case?**

10          A. Nothing else about that case.

11          **Q. Thank you. Thank you, Mrs. Jefferson. A few**  
12          **housekeeping issues. Since submitting your letter**  
13          **of intent have you sought or received the pledge of**  
14          **any legislator either prior to this date or pending**  
15          **the outcome of your screening?**

16          A. No, I have not.

17          **Q. Have you asked any third parties to contact members**  
18          **of the General Assembly on your behalf or are you**  
19          **aware of anyone attempting to intervene in this**  
20          **process on your behalf?**

21          A. No, I have not.

22          **Q. Since submitting your letter of intent to run for**  
23          **this seat, have you contacted any members of the**  
24          **Commission about your candidacy?**

25          A. No, I have not.

1 Q. Do you understand that you are prohibited from  
2 seeking a pledge or commitment directly or  
3 indirectly until 48 hours after the formal release  
4 of the Commission's report? And are you aware of  
5 the penalties for violating the pledging rules  
6 which are that it's a misdemeanor and upon  
7 conviction the violator must be fined not more than  
8 a \$1,000.00 or imprisoned not more than 90 days?

9 A. Yes, ma'am.

10 MS. BENSON: And Mr. Chairman, I would  
11 note for the record that the Upstate Citizens  
12 Committee reported that Mrs. Jefferson is  
13 qualified as to constitutional qualifications,  
14 physical health, and mental stability. And  
15 well qualified as to ethical fitness,  
16 professional and academic ability, character,  
17 reputation, experience, and judicial  
18 temperament.

19 I would also note for the record that any  
20 concerns raised during the investigation have  
21 been incorporated in the questioning today and  
22 I have no further questions.

23 CHAIRMAN CAMPSER: Thank you. Any  
24 questions for Mrs. Jefferson?

25 REPRESENTATIVE BANNISTER: I've got a few

1 questions.

2 CHAIRMAN CAMPSEN: Representative  
3 Bannister.

4 REPRESENTATIVE BANNISTER: Thank you, Mr.  
5 Chairman.

6 EXAMINATION

7 (By Representative Bannister)

8 Q. And this is a quick question. I just want to  
9 clarify. On your sworn statement, question number  
10 six, what is your philosophy on recusal, especially  
11 in situations in which a lawyer legislator appear  
12 before you. You answered -- let's see, "Judges  
13 should also consider whether recusal is appropriate  
14 in any circumstance where the judge's impartiality  
15 might reasonably be questioned in cases involving  
16 lawyer legislators, I would only find that recusal  
17 is warranted if my impartiality is reasonably in  
18 question." Would that ever be in question if it's  
19 -- the only issue is that a lawyer legislator is  
20 appearing in front of you?

21 A. If the only issue is that the attorney appearing  
22 before me or already appeared before, is that that  
23 party or attorney is a legislature -- legislator,  
24 that would not affect my impartiality and I would  
25 not recuse myself for that purpose.

1 Q. Thank you. I just -- I was just making sure.

2 CHAIRMAN CAMPSSEN: Any other questions?

3 (No response.)

4 CHAIRMAN CAMPSSEN: Okay. Ms. Jefferson,  
5 thank you so much for being with us today.  
6 That concludes this portion of the screening  
7 process. As you know, the record will remain  
8 open until the formal release of the report of  
9 qualifications and you may be called back at  
10 such time if the need arises. Thank you for  
11 offering and thank you for your willingness to  
12 serve South Carolina.

13 MS. JEFFERSON: Thank you.

14 (Candidate excused.)

15 CHAIRMAN CAMPSSEN: Welcome, Judge  
16 McFaddin.

17 JUDGE MCFADDIN: How are you, sir?

18 CHAIRMAN CAMPSSEN: Good. Please raise  
19 your right hand.

20 (The Judge was sworn.)

21 CHAIRMAN CAMPSSEN: Have you had an  
22 opportunity to review your personal data  
23 questionnaire and sworn statement?

24 JUDGE MCFADDIN: I have, sir.

25 CHAIRMAN CAMPSSEN: Are they correct?

1 JUDGE MCFADDIN: Yes, sir.

2 CHAIRMAN CAMPSER: Does anything need to  
3 be changed?

4 JUDGE MCFADDIN: Well, I -- I did make  
5 some changes since my interview here a couple  
6 of weeks ago. I had made some mistakes and I  
7 provided those corrections to the screening  
8 committee personnel. I -- I was -- I think  
9 everything else is correct, sir, I mean, I --

10 CHAIRMAN CAMPSER: Okay. Do you object  
11 to our making these documents and any  
12 amendments a part of the record of your sworn  
13 testimony?

14 JUDGE MCFADDIN: No, sir.

15 CHAIRMAN CAMPSER: It will be done at  
16 this point in the transcript.

17 [EXHIBIT 5, JUDICIAL MERIT SELECTION  
18 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR  
19 THE HONORABLE GEORGE MARION MCFADDIN, JR.,  
20 ADMITTED.]

21 [EXHIBIT 6, SWORN STATEMENT FOR THE  
22 HONORABLE GEORGE MARION MCFADDIN, JR.,  
23 ADMITTED.]

24 CHAIRMAN CAMPSER: Judge McFaddin, the  
25 Judicial Merit Selection Commission has

1 thoroughly investigated your qualifications  
2 for the bench. Our inquiry is focused on nine  
3 evaluative criteria and has included a ballot  
4 box survey, a thorough study of your  
5 application materials, verification of your  
6 compliance with state ethics laws, search of  
7 newspaper articles in which your name appears,  
8 study of previous screenings, checks for  
9 economic conflicts of interest. We have  
10 received no affidavits filed in opposition of  
11 your election. No witnesses are present to  
12 testify.

13 Do you have a brief opening statement you  
14 would like to make at this time?

15 JUDGE MCFADDIN: I want to make it clear,  
16 sir, that I don't desire to leave the Family  
17 Court bench because I don't like being a  
18 Family Court Judge. I enjoy my job there. It  
19 is challenging. It is taxing and irksome at  
20 times, however, I have enjoyed my work there.  
21 I seek a position with the Circuit Court to  
22 perhaps take to that court some of the things  
23 I may have done good as a Family Court Judge  
24 to try to make that system work, not  
25 necessarily better, but more efficiently, sir.

1 CHAIRMAN CAMPSSEN: And thank you.

2 JUDGE MCFADDIN: I do like challenges.

3 CHAIRMAN CAMPSSEN: Okay. Thank you.

4 Please answer counsel's questions.

5 MR. COHL: Thank you, Mr. Chairman.

6 I note for the record that based on the  
7 testimony contained in the candidate's PDQ,  
8 which has been included in the record with the  
9 candidate's consent, Judge McFaddin, meets the  
10 constitutional and/or statutory requirements  
11 for the position regarding age, residence, and  
12 years of practice.

13 EXAMINATION

14 (By Mr. Cohl)

15 **Q. Judge McFaddin, why do you want to serve as a**  
16 **Circuit Court Judge?**

17 A. I do like challenges in life. Although my job now  
18 is still challenging from day-to-day, from time-to-  
19 time, I -- I truly believe as a Family Court Judge  
20 and prior to that as a Magistrate, that every case  
21 is different. No two cases are alike.

22 I would like to take that mindset of thought  
23 to the Circuit Court knowing that cases there are  
24 not alike all the time, if ever alike. I've --  
25 I've had some methods employed in Family Court to -

1           - that I hoped moved things along quicker,  
2           especially for foster care children. And while  
3           there is no foster children issues in Circuit  
4           Court, perhaps I could take some chambers days  
5           there, like I did in Family Court, and turn those  
6           into plea days or General Sessions Court where  
7           there are backlogs and just have nothing but extra  
8           plea days from time-to-time. There must be --  
9           probably are some ways that things can be improved,  
10          although, I don't claim to have the answers to  
11          everything, sir.

12       **Q. Thank you. Judge McFaddin, how do you feel your**  
13       **legal and professional experience thus far will**  
14       **assist you as an effective Circuit Court Judge?**

15       A. Well, I deal with Family Court criminal matters in  
16       Juvenile Court almost every Thursday, when in  
17       Sumter and whenever I travel to other counties at  
18       least one day a week there will be criminal court.  
19       The same principles apply there that would in  
20       General Sessions Court also.

21               And then -- just -- just to reiterate to be  
22       always mindful that no two cases are alike. One  
23       size doesn't fit all in any court.

24       **Q. Thank you. Judge McFaddin, what do you perceive as**  
25       **the most important issues facing state courts**

1           **today?**

2           A.    Growing caseloads.  Although they -- those  
3           caseloads have been addressed well to some degree,  
4           efforts of the judiciary and the legislature.  
5           Mediation and arbitration have played a great role  
6           I've heard in Circuit Court in civil cases.

7                    I'm not sure about General Sessions Court how  
8           that might could be somehow modified to help there,  
9           I don't know that.  But as is -- as always more  
10          being done with sometimes less and less resources.

11          **Q.    Thank you.  Judge McFaddin, if you became aware of**  
12          **unethical conduct on the part of a trial advocate**  
13          **in a case in which you were presiding, how would**  
14          **you handle it?  Do you believe judges should be**  
15          **required to report attorney misconduct?**

16          A.    As I recall the Canons, sir, judges are charged  
17          with reporting misconduct.  It says "shall" not  
18          may.  Until that's changed that's what we should  
19          do.

20                   I -- I cannot think of a single episode where  
21          I've had to do that except -- well, let me -- let  
22          me change that.  I did have to report a lawyer one  
23          time -- two lawyers regarding contempt matters,  
24          sir.  One was direct contempt in front of me in  
25          court one day; I had to act, I couldn't let it get

1 away. The Canons said I shall report that and I  
2 did.

3 Another was an attorney, although it was a  
4 private matter, had failed to pay child support a  
5 long time, he was held in contempt and I had to  
6 report him also. Nothing I took pleasure in, sir,  
7 but I had to.

8 **Q. Thank you. Judge McFaddin, the Commission received**  
9 **187 ballot box surveys regarding you, with 40**  
10 **additional comments. The ballot box survey, for**  
11 **example, contained the following positive comments.**  
12 **"Judge McFaddin has an excellent judicial**  
13 **temperament. He is a competent, understanding,**  
14 **fair, and impartial jurist."**

15 **Four of the written comments address concerns**  
16 **over the length of time in issuing some of your**  
17 **rulings. Would you like to offer a response to**  
18 **these comments?**

19 **A. Sir, I take that up greatly; I owned my mistakes**  
20 **before about that. If they could be called**  
21 **mistakes, I'm sure they could probably be called**  
22 **that. My approach to issuing a ruling sometimes**  
23 **was that I was most mindful when I'm affecting**  
24 **lives of adults and children. Some of those**  
25 **opinions address novel issues; some of them require**

1 substantial research. As I often said, my role  
2 comes on pleading instructions, not knowledge or  
3 wisdom.

4 And -- but I can tell you today that I am -- I  
5 am current -- I hope that by speeding up my rulings  
6 I'm not going to be reversed; I hope not, of  
7 course, sir.

8 **Q. Thank you, Judge McFaddin.**

9 MR. COHL: Mr. Chairman, I would request  
10 that we now go into executive session.

11 CHAIRMAN CAMPSSEN: Okay.

12 MR. HITCHCOCK: So moved.

13 CHAIRMAN CAMPSSEN: We have a motion for  
14 executive session by Mr. Hitchcock.

15 Mr. SAFRAN: Second.

16 CHAIRMAN CAMPSSEN: Second, by Mr. Safran.  
17 All in favor indicate by saying aye.

18 BOARD MEMBERS: "Aye."

19 CHAIRMAN CAMPSSEN: Opposed?

20 (No response.)

21 CHAIRMAN CAMPSSEN: The ayes have it.

22 All right. Everyone turn off their  
23 microphones.

24 (Off the record.)

25 CHAIRMAN CAMPSSEN: We are back on the

1 record. We've lifted -- come out of executive  
2 session. No votes were taken and no decisions  
3 made.

4 MR. COHL: Thank you, Mr. Chairman.

5 (By Mr. Cohl)

6 **Q. Now just a few housekeeping issues. Since**  
7 **submitting your letter of intent have you sought or**  
8 **received a pledge of any legislator either prior to**  
9 **this date or pending the outcome of your screening?**

10 A. No, sir. I -- I'm even afraid to look at a  
11 legislator.

12 **Q. Have you asked any third parties to contact members**  
13 **of the General Assembly on your behalf or are you**  
14 **aware of anyone attempting to intervene in this**  
15 **process on your behalf?**

16 A. No, sir.

17 **Q. Since submitting your letter of intent to run for**  
18 **this seat, have you contacted any members of the**  
19 **Commission about your candidacy?**

20 A. No, sir.

21 **Q. Do you understand that you're prohibited from**  
22 **seeking a pledge or commitment directly or**  
23 **indirectly until 48 hours after the formal release**  
24 **of the Commission's report and are you aware of the**  
25 **penalties for violating the pledging rules?**

1 A. Yes, sir, very much so.

2 **Q. Thank you, Judge McFaddin.**

3 MR. COHL: I would note that the Pee Dee  
4 Citizens Committee reported that Judge  
5 McFaddin is well qualified in the evaluative  
6 criteria of ethical fitness, professional and  
7 academic ability, character, reputation,  
8 experience, and judicial temperament. The  
9 Committee found him qualified in the  
10 evaluative criteria of constitutional  
11 qualifications, physical health, and mental  
12 stability.

13 I would just note for the record that any  
14 concerns raised during the investigation  
15 regarding the candidate were incorporated into  
16 the questioning of the candidate today. Mr.  
17 Chairman, I have no further questions.

18 CHAIRMAN CAMPSER: Thank you. Any  
19 questions by members of the Commission?

20 Representative Smith.

21 REPRESENTATIVE SMITH: Mr. Chairman,  
22 thank you.

23 EXAMINATION

24 (By Representative Smith)

25 **Q. Judge McFaddin, you alluded to this earlier and I**

1 think it's important for the members to know is  
2 when you tell them what you've done with adoption  
3 days and Family Court and the -- from adoption days  
4 and -- and foster children in the Family Court and  
5 the accolades you've received as a result of that.

6 A. Did you say -- do you want me to --

7 Q. Yes, sir.

8 A. Oh, I'm sorry. Sorry. Well, I would assume there  
9 were good comments from the -- from the public. I  
10 don't want to sound as if I'm -- as if I'm  
11 boasting, but I was told that it was a good thing  
12 to do for a lot of children. We started this and I  
13 say we because I didn't do it myself -- by myself,  
14 court reporter is there, my assistant, the clerk of  
15 court and DSS. DSS helps prep these children for  
16 adoptions. We've done it twice a year since 2008,  
17 almost nine years, probably close to 450 children  
18 adopted now and removed from long-term placement or  
19 multiple placement episodes.

20 It was good for them, the children, good for  
21 the families, but I can tell you it was good for me  
22 too because at least twice a day or two -- two days  
23 out of every year, almost everybody that is in the  
24 courtroom liking me instead of hating me.

25 CHAIRMAN CAMPSSEN: Okay. Thank you. Any

1 other questions? Senator Malloy.

2 SENATOR MALLOY: Thank you, Mr. Chairman.

3 EXAMINATION

4 (By Senator Malloy)

5 **Q. How you doing, Judge?**

6 A. Fine, sir.

7 **Q. Judge, I notice you mentioned the transition from**  
8 **the Family Court to a -- to the Circuit Court --**  
9 **you've been on the Family Court bench for how many**  
10 **years?**

11 A. Fourteen years, sir.

12 **Q. Fourteen years. But before that you practiced law**  
13 **extensively?**

14 A. Yes, sir. Now, I was a Magistrate before -- for  
15 four years before that. I practiced law from 1986,  
16 after I left Judge Peeples, to --

17 **Q. That Judge Rodney Peeples?**

18 A. Yes, sir.

19 **Q. Okay. Get a good experience there?**

20 A. Yes, sir. I learned a lot.

21 **Q. You survived it?**

22 A. Yes, sir. I did learn a lot. It was a good  
23 experience. There are -- I will admit there might  
24 be concerns about "Well, McFaddin, what are you  
25 going to do, you haven't touched heavy duty

1 criminal law in 14 or 18 years?" I haven't. I  
2 haven't done a lot of civil work either.  
3 Obviously, I could not. But a lot of the  
4 principles, I think, transfer from one court to the  
5 other by due process, treating people decently.  
6 Giving everybody or everyone his or her day in  
7 court.

8 I often said that you can be the smartest  
9 judge in the world, but if you don't treat people  
10 well you -- you have failed. So I would hope that  
11 I can -- may not be the smartest, but can at least  
12 treat people well and decently in court.

13 **Q. And you were a sole practitioner for a period of**  
14 **time?**

15 A. Yes, sir, from 1990 until 1998, sir.

16 **Q. Okay. And so as a sole practitioner you ran your**  
17 **own law office?**

18 A. Yes, sir.

19 **Q. With a staff?**

20 A. One and a half, yes, sir.

21 **Q. One and half staff and maintained trusts and --**

22 A. Yes, sir.

23 **Q. -- other accounts?**

24 A. Yes, sir.

25 **Q. Right. And made payroll?**

1 A. Yes, sir.

2 Q. Okay. And during that time you were in a small  
3 county, you had to try cases?

4 A. Yes, sir, I did.

5 Q. And you -- were you one of those lawyers that take  
6 every case that came -- well, a lot of cases that  
7 came in -- in the door, not every case, but a lot  
8 of different kinds of cases?

9 A. Correct, sir. Not every case, you know, some cases  
10 I probably regret that I took sometimes. But I did  
11 a lot -- a good bit of trial work in Family Court.  
12 I was the public defender for adult court. A  
13 General Sessions Court for approximately two years.  
14 Seemed like everything I touched went to trial. I  
15 guess I -- being the new man on the block I tried a  
16 lot in court -- or tried cases a lot in court.

17 Q. Okay.

18 A. And towards the end, around 1996, 7 and 8, had  
19 begun to do more and more civil trial work because  
20 my civil trial caseload increased and I had to go  
21 to court -- ended up in court.

22 Q. Now, you know, besides being a judge you know you  
23 have a reputation for being a animal lover?

24 A. Yes, sir, I am.

25 Q. With that, do you work with adoption services with

1           **animals or --**

2       A.    No, sir.  I -- I haven't done that yet.  That's a  
3           good idea, but I haven't thought about that yet.  I  
4           haven't -- I know this may sound silly, but I  
5           haven't gotten over the loss of my -- my little dog  
6           a year ago yet.

7       **Q.    Okay.**

8       A.    It's a tough thing.

9                        SENATOR MALLOY:  All right.  That's all  
10           the questions I have.

11                      JUDGE MCFADDIN:  Yes, sir.

12                      CHAIRMAN CAMPSSEN:  Thank you.  Any other  
13           questions?

14                      (No response.)

15                      CHAIRMAN CAMPSSEN:  Judge McFaddin, thank  
16           you.  That concludes this portion of our  
17           screening process.  As you know, the record  
18           will remain open until the formal release of  
19           the report of qualifications and you may be  
20           called back at such time if the need arises.  
21           I thank you for offering and thank you for  
22           your service to South Carolina.

23                      JUDGE MCFADDIN:  Yes, sir.  And may I say  
24           one thing before I leave, sir?

25                      CHAIRMAN CAMPSSEN:  Yes, sir.

1 JUDGE MCFADDIN: I've been sitting in a  
2 room with a lot of people -- or several other  
3 people who seek this same position and they  
4 are all to me a fine group of people, sir.

5 CHAIRMAN CAMPSSEN: All right. Good.  
6 Thank you.

7 JUDGE MCFADDIN: Thank you all.

8 CHAIRMAN CAMPSSEN: Five minute recess.  
9 (Off the record.)

10 CHAIRMAN CAMPSSEN: We have reconvened  
11 from our recess. And we can have the next  
12 candidate. Welcome, Mr. Meetze.

13 MR. MEETZE: Thank you.

14 CHAIRMAN CAMPSSEN: Do you have someone  
15 with you you'd like to introduce?

16 MR. MEETZE: I do. Thank you very much.  
17 I'd like to introduce my wife, Anna Meetze.

18 CHAIRMAN CAMPSSEN: Welcome, Anna. Thank  
19 you for being here.

20 Please raise your right hand, Mr. Meetze.  
21 (The candidate is sworn in.)

22 CHAIRMAN CAMPSSEN: Have you had an  
23 opportunity to review your personal data  
24 questionnaire and sworn statement?

25 MR. MEETZE: I have.

1 CHAIRMAN CAMPSEN: Are they correct?

2 MR. MEETZE: They are.

3 CHAIRMAN CAMPSEN: Does anything need to  
4 be changed?

5 MR. MEETZE: No, sir.

6 CHAIRMAN CAMPSEN: Do you object to our  
7 making these documents and any amendments, if  
8 applicable, a part of the record of your sworn  
9 testimony?

10 MR. MEETZE: Not at all.

11 CHAIRMAN CAMPSEN: And that will happen  
12 at this time during the transcript.

13 [EXHIBIT 7, JUDICIAL MERIT SELECTION  
14 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR  
15 WILLIAM VICKERY MEETZE, ADMITTED.]

16 [EXHIBIT 8, SWORN STATEMENT FOR WILLIAM  
17 VICKERY MEETZE, ADMITTED.]

18 CHAIRMAN CAMPSEN: Mr. Meetze, the  
19 Judicial Merit Selection Commission has  
20 thoroughly investigated your qualifications  
21 for the bench. Our inquiry has focused upon  
22 nine evaluative criteria and has included a  
23 ballot box survey, thorough study of your  
24 application materials, verification of your  
25 compliance with state ethics laws, search of

1 newspaper articles in which your name appears,  
2 study of previous screenings, check for  
3 economic conflicts of interest. We have  
4 received no affidavits filed in opposition to  
5 your election. No witnesses are present to  
6 testify.

7 Do you have a brief opening statement you  
8 would like to make at this time?

9 MR. MEETZE: I would. Thank you very  
10 much. And -- and -- and I will make it brief,  
11 but essentially I would just like to thank you  
12 all for this opportunity. It's certainly, I  
13 think, a wonderful opportunity that's  
14 presented to myself and the other candidates.  
15 I think that the way that our state elects  
16 judges, I truly can't imagine it being done  
17 any other way and that's coming from somebody  
18 who has been through this process before and  
19 not been successful, but I -- I certainly will  
20 stand by that statement and -- and certainly  
21 am grateful for the opportunity to stand here  
22 today.

23 CHAIRMAN CAMPSEN: Thank you. Please  
24 answer counsel's questions.

25 MR. HINSON: Thank you, Mr. Chairman.

1 I note for the record that based on the  
2 testimony contained in the candidate's PDQ,  
3 which has been included in the record with the  
4 candidate's consent, Mr. Meetze meets the  
5 constitutional and/or statutory requirements  
6 for this position regarding age, residence,  
7 and years of practice.

## EXAMINATION

8  
9 (By Mr. Hinson)

10 **Q. Mr. Meetze, why do you want to serve as a Circuit**  
11 **Court Judge?**

12 A. You know that's a question that I -- I have an  
13 opportunity to think about a good bit and sometimes  
14 it's hard to articulate your feelings on that,  
15 maybe just the way you want to.

16 It -- I will say that since I was in law  
17 school I guess the seed was planted by my  
18 grandfather. He always -- when I was in law school  
19 and I would come to Columbia to visit with him we'd  
20 usually go to breakfast at the Lizards Thicket. He  
21 knew a lot of folks and he would always introduce  
22 me to folks and say "This is my grandson Vick, he's  
23 going to be my judge. He's going to be my judge."  
24 And that sort of planted a seed sort of, I guess,  
25 and that sort I guess gives you sentimental reasons

1 for this.

2 But as I got out of law school my first job  
3 was clerking for a circuit judge, Judge Brogdon  
4 from my home town of Marion and we -- that year I  
5 spent with him really showed me -- I was very  
6 fortunate to be able to see really a judge's judge  
7 at work for that year and seeing -- just seeing him  
8 and being able to spend that time with him was  
9 invaluable and really got me thinking that this is  
10 what I would like to do and I felt like I was well  
11 suited for that.

12 My first interview for a job after clerking  
13 for him was with then Solicitor Pope up in York  
14 County. During that interview he even asked me  
15 what I saw myself doing in the future and I told  
16 him during that interview that I wanted to be a  
17 Circuit Court Judge one day and he -- he remembered  
18 that throughout my time working there and things  
19 like that.

20 As far as practical work experience that I've  
21 done, obviously, I've been in public service my  
22 whole career. I've been a trial lawyer. I -- I  
23 think that protecting our Constitution and the  
24 rights of litigants and victims and defendants in  
25 criminal cases is very important. And as I judge,

1 I can think of no higher honor to be able to -- to  
2 exercise all that. And -- and for all of those  
3 reasons I would very much like to be a Circuit  
4 Court Judge.

5 **Q. Thank you, Mr. Meetze. How do you feel your legal**  
6 **and professional experience this far will assist**  
7 **you to be an effective Circuit Court Judge?**

8 A. I think legal experience, professional experience,  
9 my whole career I've been a trial lawyer. I've  
10 been an assistant solicitor for almost three years.  
11 And since 2002, I've worked in a public defender's  
12 office. And always been a trial lawyer. Doing  
13 that as a law clerk, Judge Brogdon was the Chief  
14 Administrative Judge in both Florence, 12th Circuit  
15 as well as the 3rd Circuit during the time that I  
16 worked for him. We did a lot of civil, common  
17 pleas work during that time. He was assigned  
18 during that time two complex civil litigation cases  
19 that I worked -- was able to work on with him. And  
20 got -- even though that was a number of years ago,  
21 got a good bit of experience in civil matters  
22 clerking for Judge Brogdon.

23 I do work at Palmeto Boys State every year  
24 which includes the law school which I'm a co-dean  
25 of the law school for Boys State which includes

1 teaching law school class and that includes  
2 instructing the Boy State lawyers on civil  
3 litigation and common pleas, civil law.

4 I've certainly always had a good demeanor with  
5 others and -- and been able to work well with  
6 others. I've recently taken some civil court CLEs  
7 to make up for any, I guess, lack of practical  
8 experience working in Common Pleas Court as an  
9 attorney. I've taken CLE on E-discovery as well as  
10 -- as tort law and things like that, as well as  
11 gone over the judicial website as tutorial videos  
12 sort of on the E-filing system that is spreading  
13 throughout the state. I've looked at all of those  
14 to try to get some background.

15 I've always done my own research, I think  
16 that's certainly helpful and -- and -- and have  
17 always been able to read and interpret law and case  
18 law and -- and I think all of that makes me well  
19 suited for presiding over court in either branch of  
20 -- of the Circuit Court.

21 **Q. Thank you. Mr. Meetze, what do you perceive as the**  
22 **most important issues facing state courts today?**

23 A. I think, you know, the most important issues facing  
24 state court today and criminal court, there's  
25 always a backlog so to speak. Different circuits

1 have different degrees of backlog, but I -- I think  
2 that the most important issue with courts is making  
3 sure that our justice system runs properly and that  
4 the folks that come before the court, and that work  
5 in the court, are all treated with respect, treated  
6 the way they should be.

7 I think you should treat people by the golden  
8 rule wherever you are and that includes the  
9 courtroom. And I think that that's the most  
10 important thing that -- that needs to -- to be done  
11 in court. Cases can get old, but if they're  
12 getting old for the right reasons, it's fine. If  
13 they're getting old because that's the way they  
14 need to get, then that's the way it should be, and  
15 I think that's good.

16 I think that just being able to treat people  
17 with respect and -- and make sure that all the  
18 litigants and all the parties to any action get  
19 their day in court and get fair and -- and  
20 hopefully just results throughout our justice  
21 system.

22 **Q. Thank you. Mr. Meetze, if you became aware of**  
23 **unethical conduct on the part of a trial advocate**  
24 **in a case in which you were presiding, how would**  
25 **you handle it and do you believe judges should be**

1           **required to report attorney misconduct?**

2       A.   Well, I think that there is an obligation to -- to  
3           report any misconduct to the proper authority,  
4           whatever -- whatever that may be.  And -- and I've  
5           certainly been fortunate where I've worked I  
6           haven't ever personally had to -- to deal with --  
7           with an issue like that where I've -- I've felt  
8           like I've been in a position to where I needed to  
9           do that.  But I -- I do think that -- that it's  
10          important for everybody.  And if -- if there is  
11          some kind of improper action is taking place, I do  
12          think that -- that should be reported to the proper  
13          authority.

14       **Q.   Mr. Meetze, the Commission received 68 ballot box**  
15           **surveys regarding you, with 9 additional comments.**  
16           **The ballot box survey, for example, contained the**  
17           **following positive comments.  "Excellent judicial**  
18           **candidate who would be a great addition to the**  
19           **bench."  Another stated that despite your caseload,**  
20           **it's very demanding, and you -- they've never seen**  
21           **you change your demeanor under pressure which make**  
22           **him a -- make you an excellent Circuit Court**  
23           **Judge.  None of the ballot box surveys expressed**  
24           **any concern.**

25                   **I have a few housekeeping issues.  Since**

1 submitting your letter of intent, have you sought  
2 or received the pledge of any legislator either  
3 prior to this date or pending the outcome of your  
4 screening?

5 A. I have not.

6 Q. Have you asked any third parties to contact members  
7 of the General Assembly on your behalf or are you  
8 aware of anyone attempting to intervene in the  
9 process on your behalf?

10 A. I have not. I have not made -- asked anyone and  
11 I'm not aware of anyone making such contact.

12 Q. Since submitting your letter of intent to run for  
13 this seat, have you contacted any members of the  
14 Commission about your candidacy?

15 A. I have not.

16 Q. Okay. Do you understand that you are prohibited  
17 from seeking a pledge or commitment directly or  
18 indirectly until 48 hours after the formal release  
19 of the Commission's report and are you aware of the  
20 penalties for violating the pledging rules?

21 A. I am aware.

22 Q. Okay. I would note that the Pee Dee Citizens  
23 Committee reported that Mr. Meetze is qualified in  
24 the evaluative criteria of constitutional  
25 qualifications, physical health, and moral

1 stability. The Committee found him well qualified  
2 in the criteria of ethical fitness, professional  
3 and academic ability, character, reputation,  
4 experience, and judicial temperament. The  
5 committee stated in summary, while Mr. Meetze  
6 experience is heavily weighed in the criminal  
7 arena, no members of this Committee spoke -- voiced  
8 any concerns about his ability to handle both  
9 criminal and civil matters in an exemplary fashion.

10 I would just note for the record that any  
11 concerns raised through the investigation regarding  
12 the candidate were incorporated in the questioning  
13 of the candidate today. Mr. Chairman, I have no  
14 further questions.

15 CHAIRMAN CAMPSEN: Thank you. Any  
16 questions by members?

17 (No response.)

18 EXAMINATION

19 (By Chairman Campsen)

20 Q. Mr. Meetze, I have a question. It appears that  
21 your practice has been pretty much all criminal --

22 A. Yes, Your Honor.

23 Q. -- in recent years. And how would you make up for  
24 the lack of criminal experience in the Court of  
25 Common Pleas?

1 A. Well, I believe, like I said, you know --

2 **Q. I mean civil -- excuse me civil --**

3 A. Yes, sir.

4 **Q. -- experience in common pleas.**

5 A. Yes, sir, I appreciate that. I understand. I -- I  
6 think that certainly I've been a trial lawyer my  
7 whole career which the rules of evidence are -- are  
8 the same for both -- both areas. I don't think I  
9 would have any issues with regard to that.

10 I think any -- any issues of law that came up,  
11 I -- I would do what most judges, really all judges  
12 that I've been in front of do regardless of their  
13 experience background, which is look up the law in  
14 order to make -- make a decision. I've always been  
15 able -- somebody that was able to make a decision  
16 and I wouldn't have any -- don't believe I would  
17 have any issues in Common Pleas Court doing that.  
18 But I -- I'm able to read the law and understand  
19 the law and interpret the law, I think, very well  
20 regardless of whether it's civil -- whether it's  
21 civil or -- or criminal.

22 Certainly I've kept up with advance sheets on  
23 both. I've -- like I said, have done a CLE to try  
24 to bone up on civil law, so to speak, but I do  
25 think that as a Circuit Court Judge I would welcome

1 the assignment of as many common pleas terms as  
2 possible because my work history and my work ethic  
3 shows that any -- however much I may be behind on  
4 common pleas, I would certainly catch up very quick  
5 and that would -- if there is any kind of perceived  
6 deficiency in regards to that it would be made up  
7 quickly by the amount of work I would do and how  
8 hard I would work.

9 **Q. Okay. Thank you.**

10 CHAIRMAN CAMPSER: Representative

11 Bannister.

12 REPRESENTATIVE BANNISTER: Thank you.

13 EXAMINATION

14 (By Representative Bannister)

15 **Q. Mr. Meetze --**

16 **A. Yes, sir.**

17 **Q. -- on -- number six on your sworn statement, the**  
18 **question was about your philosophy on recusal and**  
19 **it asks you about lawyer legislators. And you said**  
20 **you would not disqualify yourself based exclusively**  
21 **on that. Then you went on to say "However, if the**  
22 **other party believes that my impartiality may**  
23 **reasonably be called into question, then that**  
24 **attorney would have an opportunity to be heard on**  
25 **the matter. And if that party felt that recusal**

1 would be appropriate, then I would disqualify  
2 myself to avoid the appearance of impropriety."

3 So if the lawyer asking for recusal insisted  
4 you would do it? I'm trying to make sure I  
5 understood what you meant by that.

6 A. I guess I was sort of taking a standpoint of better  
7 to be safe than sorry. I can't, standing here  
8 today and even in answering that question on the  
9 PDQ, I can't think of any reason why a lawyer or  
10 legislator being in front of me would create any  
11 conflict. But I do think that the Judicial Canons  
12 do say that if a party believes that there could be  
13 or would be a conflict of interest that -- that we  
14 could recuse ourself on that basis.

15 So I guess it's just more of a better to be  
16 safe than sorry, but I -- I can't think of -- of a  
17 reason why a lawyer or legislator appearing in  
18 front of me would -- would generate any kind of a  
19 conflict that would necessitate recusal. But I  
20 think the Canons say even if I, myself, don't  
21 believe there's a conflict, if one party does and  
22 asks me to recuse myself then -- then that may be  
23 the proper thing to do. I guess that is what I was  
24 sort of saying, but I -- I can't imagine me  
25 personally feeling like there would be any kind of

1 a conflict of interest.

2 **Q. Thank you.**

3 CHAIRMAN CAMPSER: Senator Malloy?

4 SENATOR MALLOY: Thank you, sir.

5 EXAMINATION

6 (By Senator Malloy)

7 **Q. Mr. Meetze, how you doing today?**

8 A. I'm doing find, thank you, sir.

9 **Q. I know you got the best part of you from Hartsville**  
10 **is here?**

11 A. I sure do.

12 **Q. I your grandfather served in this Senate for many**  
13 **years as our chaplain, over 50 some odd years,**  
14 **right?**

15 A. That's correct, I believe it was 56.

16 **Q. Fifty-six years. Whenever you were working you**  
17 **also -- you did PCRs, didn't you?**

18 A. I did and I appreciate you bringing that up.

19 **Q. PCRs are civil, aren't they?**

20 A. They are and I appreciate you bringing that up.

21 **Q. Did you do bond forfeitures?**

22 A. I --

23 **Q. I mean -- I'm sorry, civil forfeitures?**

24 A. I -- we do not. I do not do civil forfeitures as  
25 part as our work as public defender. Those matters

1 are private attorneys that get hired to do that.

2 **Q. As you say, the law is the law so you can end up**  
3 **transferring. How long have you been practicing**  
4 **now?**

5 A. I've been practicing since '98, is when I was  
6 licensed and I started as an Assistant Solicitor in  
7 August of '99, so about 18 years.

8 **Q. So you've been in the Solicitor's Office and Public**  
9 **Defender Office back --**

10 A. That's correct.

11 **Q. -- back and forth.**

12 MR. SMITH: Ask him what college he went  
13 to.

14 **Q. He knows the answer to this question, which every**  
15 **good lawyer does, he said what college did you go**  
16 **to?**

17 A. I went to Wofford College.

18 **Q. Wofford College, good.**

19 MR. SMITH: Now you know he's a smart  
20 man.

21 **Q. Smart man.**

22 MR. MALLOY: That's all I have, Mr.  
23 Chairman.

24 CHAIRMAN CAMPSER: Thank you. Any other  
25 questions?

1 (No response.)

2 CHAIRMAN CAMPSSEN: Thank you. Mr.  
3 Meetze, thank you for being with us. This --  
4 that concludes this portion of our screening  
5 process. As you know the record will remain  
6 open until the formal release of the report of  
7 qualifications and you may be called back at  
8 any time if the need arises.

9 I thank you for offering and we greatly  
10 appreciate the service your grandfather  
11 provided to the South Carolina Senate for many  
12 decades.

13 MR. MEETZE: Thank you so much. I  
14 certainly appreciate that, it means a lot.  
15 Thank you.

16 (Candidate excused.)

17 CHAIRMAN CAMPSSEN: Mr. Murphy, welcome.

18 MR. MURPHY: It's good to be here.

19 CHAIRMAN CAMPSSEN: Do you have someone  
20 with you, you'd like to introduce?

21 MR. MURPHY: Yes, this is my wife Jody.

22 CHAIRMAN CAMPSSEN: Welcome, Jody.

23 MR. MURPHY: She traveled through the  
24 rain to get here today, so --

25 CHAIRMAN CAMPSSEN: Well, thank God for

1 the rain. Please raise your right hand.

2 (The candidate is sworn in.)

3 CHAIRMAN CAMPSEN: Have you had an  
4 opportunity to review your personal data  
5 questionnaire and sworn statement?

6 MR. MURPHY: Yes, I have.

7 CHAIRMAN CAMPSEN: Are they correct?

8 MR. MURPHY: Yes, they are.

9 CHAIRMAN CAMPSEN: Does anything need to  
10 be changed?

11 MR. MURPHY: No.

12 CHAIRMAN CAMPSEN: Do you object to our  
13 making these documents and any amendments, if  
14 applicable, a part of the record of your sworn  
15 testimony?

16 MR. MURPHY: No, sir.

17 CHAIRMAN CAMPSEN: It will be done at  
18 this point in the transcript.

19 [EXHIBIT 9, JUDICIAL MERIT SELECTION  
20 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR  
21 TIMOTHY WARD MURPHY, ADMITTED.]

22 [EXHIBIT 10, SWORN STATEMENT FOR TIMOTHY  
23 WARD MURPHY, ADMITTED.]

24 CHAIRMAN CAMPSEN: Mr. Murphy, the  
25 Judicial Merit Selection Commission has

1 thoroughly investigated your qualifications  
2 for the bench. Our inquiry is focused on nine  
3 evaluative criteria and has included a ballot  
4 box survey, thorough study of your application  
5 materials, verification of your compliance  
6 with state ethics laws, search of newspaper  
7 articles in which your name appears, study of  
8 previous screenings, check for economic  
9 conflicts of interest. We have received no  
10 affidavits filed in opposition to your  
11 election. No witnesses are present to  
12 testify.

13 Do you have a brief opening statement you  
14 would like to make at this time?

15 MR. MURPHY: I really don't have an  
16 opening statement. I would like to thank  
17 everyone involved in the process. Ms.  
18 Brogdon's crew and also all the individuals  
19 involved in the Citizens Committee and the --  
20 and the Bar, as well as all of you today.  
21 It's been a -- once again, a very enjoyable  
22 process to go through.

23 CHAIRMAN CAMPSER: Okay. Well, thank  
24 you. Please answer counsel's questions.

25 EXAMINATION

1 (By Mr. Pearce)

2 **Q. Why do you want to serve as a Circuit Judge?**

3 A. Well, I think when -- anytime you apply for -- for  
4 a position it's a -- the fundamental reason is you  
5 think you'll -- you'll do a good job. And that's  
6 one of my motivating factors that I think have the  
7 skill set, varied experience, and I think I'd --  
8 I'd bring a level of dedication, competency, and  
9 that I have a lot of experience that would be  
10 beneficial to the bench.

11 I enjoy trial work. I like being in the  
12 courtroom and dealing with those kind of issues.  
13 And also, I guess, it would also -- give me an  
14 opportunity to continue serving and being of  
15 service to the state -- the people of the state.  
16 So those are my primary reasons.

17 **Q. How do you feel your legal and professional**  
18 **experience thus far will assist you to be an**  
19 **effective Circuit Court Judge?**

20 A. Well, as I kind of alluded to before, you know,  
21 throughout my career, in the military in particular  
22 you're -- you're faced with lots of different types  
23 of issues, challenges, and pressures. And I like  
24 to think and I think that my -- my military career  
25 was -- was pretty successful and that is -- that

1 obviously has given me the type of experience that  
2 I think would be beneficial to the type of  
3 challenges I could expect in the courtroom and --  
4 and dealing with different types of issues,  
5 different types of people, different types of  
6 lawyers on the bench. So that's pretty much what  
7 -- what I think I've -- I'd bring to the -- to the  
8 table.

9 **Q. What do you perceive as the most important issues**  
10 **facing state courts today?**

11 A. Well, I think the primary, and it's been really  
12 since I've been here is, backlog. You know,  
13 particularly in -- in General Sessions there's --  
14 there's a lot of backlog. I think it's getting  
15 better, but the -- that's an important issue.

16 I think when individuals either file suits  
17 civilly or are involved in the criminal justice  
18 process, there is a reasonable expectation that --  
19 that things will be handled in an efficient and in  
20 a timely matter and too often I think our process  
21 fails. So I think that -- I don't think that's any  
22 big surprise. I mean, I think that's probably the  
23 primary issue facing the -- the judicial system at  
24 this point.

25 **Q. If you became aware of unethical conduct on the**

1           **part of a trial advocate in a case in which you**  
2           **were presiding, how would you handle it?**

3       A.   Well, I think the first thing you do is -- is make  
4           sure that the -- what I perceived to be an -- in a  
5           way of the unethical conduct is -- is a reality.

6           I mean, so I'd probably do a little bit of  
7           research and -- and to include advising and -- and  
8           engaging with the -- the individual who -- who's  
9           involved in the conduct. And then if it's serious  
10          enough, obviously, you address it. If it's -- if  
11          it's a context of a -- of a trial or whatever, I  
12          think you would address it there. And then,  
13          obviously, if -- if it's serious and -- and it's  
14          confirmed, you go through the appropriate channels.  
15          I think you have an obligation to report it.

16       **Q.   And again, you're probably addressing the second**  
17       **question, but could you just clarify that you**  
18       **believe judges should be required to report**  
19       **attorney misconduct?**

20       A.   I do, sure.

21                   MR. PEARCE: Mr. Chairman, I would note  
22                   for the record and for members of the  
23                   Commission that based on the testimony  
24                   contained in the candidate's PDQ, which has  
25                   been included in the record with the

1 candidate's consent, Timothy Ward Murphy meets  
2 the constitutional and/or statutory  
3 requirements for this position regarding age,  
4 residence, and years of practice.

5 Q. On the ballot box quesitons, Mr. Murphy, the  
6 Commission received 45 ballot box surveys regarding  
7 you with 15 additional comments. The ballot box  
8 survey, for example, contained the following  
9 positive comments. "An experienced attorney who  
10 works well with other members of the bar, would  
11 make an exceptionally fine judge, extraordinary  
12 tact and communication skills. He is highly  
13 intelligent and would have no difficulty serving in  
14 a judicial capacity."

15 One of the written comments expressed a  
16 concern. The concern was stated as, "I have  
17 concerns that his time as a Public Defender may  
18 have made him jaded at times to the concerns and  
19 difficulties of indigent clients."

20 The same participant though went on to say,  
21 "however, I do think he would follow the law and be  
22 as fair as possible when conducting court." Do you  
23 have anything in response to this concern to share  
24 with the Commission this afternoon.

25 A. Sure. Well, first of I'd like -- I don't -- I'm

1 not jaded. I -- when I retired from the -- from  
2 the Air Force I -- I chose to be a Public Defender,  
3 you know, I certainly had other opportunities. I  
4 enjoy being a Public Defender. Nothing I've  
5 experienced in my time there as a Public Defender  
6 has -- has caused me problems or -- or -- or made  
7 me any -- any less committed to -- to that type of  
8 service than I was when I -- when I became one.

9 So I -- I think people that know me and, you  
10 know, obviously, I don't know who this individual  
11 is, but I -- I think people that know me will  
12 attest that I'm kind of a positive guy and I take  
13 folks as they come and that I try to do the best  
14 for everyone involved.

15 Now, I -- I don't think it's a shock to  
16 anybody in the room that periodically, on occasion,  
17 there may be a client who's -- might be a bit  
18 difficult, but, you know, you -- again, that's part  
19 of the job. I enjoy the job, I always have. And  
20 so, no, I -- I really enjoy being a Public  
21 Defender. I -- I like it a lot and I think I'm  
22 good at it.

23 **Q. I do have a few housekeeping issues. Since**  
24 **submitting your letter of intent, have you sought**  
25 **or received the pledge of any legislator either**

1 prior to this date or pending the outcome of your  
2 screening?

3 A. No, I have not.

4 Q. Have you asked any third parties to contact members  
5 of the General Assembly on your behalf or are you  
6 aware of anyone attempting to intervene in this  
7 process on your behalf?

8 A. No, sir.

9 Q. Since submitting your letter of intent to run for  
10 this seat, have you contacted any members of the  
11 Commission about your candidacy?

12 A. No, sir.

13 Q. Do you understand that you are prohibited from  
14 seeking a pledge or commitment, directly or  
15 indirectly, until 48 hours after the formal release  
16 of the Commission's report and are you aware of the  
17 penalties for violating the pledging rules?

18 A. Uh-huh.

19 Q. Those penalties are -- is a misdemeanor and upon  
20 conviction the violator must be fined not more than  
21 \$1,000 or imprisoned not more than 90 days?

22 A. I'm aware of that.

23 MR. PEARCE: Mr. Chairman and members of  
24 the Commission, on the Citizens Committee  
25 Report, I would note that the Pee Dee Citizens

1           Committee reported that Mr. Murphy is  
2           qualified in the evaluative criteria of  
3           constitutional qualifications, physical  
4           health, and mental stability. The Committee  
5           found him well qualified in the evaluative  
6           criteria of ethical fitness, professional and  
7           academic ability, character, reputation,  
8           experience, and judicial temperament.

9           I would note for the record that any  
10          concerns raised during the investigation  
11          regarding the candidate, were incorporated  
12          into the questioning of him today. And, Mr.  
13          Chairman, I don't have any further questions  
14          at this time.

15                 CHAIRMAN CAMPSSEN: Thank you. Any  
16          members have any questions?

17                         EXAMINATION

18          (By Chairman Campsen)

19          **Q. Mr. Murphy, I do have -- I have question just --**  
20                 **I'm interested. I noticed that you have a B.A. in**  
21                 **Political Science and a Master's in Political**  
22                 **Science?**

23          A. Yes, sir.

24          **Q. Could you share with us the science associated with**  
25                 **politics, I've never been able to figure that out?**

1 A. There are -- there are those who say that you can  
2 predict politics and I was told that in my Master's  
3 classes. Somehow I don't, you know, I -- I think  
4 it's telling that not long after I left Duquesne,  
5 they stopped offering that degree --

6 **Q. Okay. I am very -- I am interested, I noticed you**  
7 **are currently enrolled in LLM. What is that LLM**  
8 **in?**

9 A. International law.

10 **Q. All right. Just interested.**

11 CHAIRMAN CAMPSSEN: Any other questions?

12 Any questions? Okay.

13 SENATOR MALLOY: I have a few.

14 CHAIRMAN CAMPSSEN: Okay. Senator Malloy.

15 EXAMINATION

16 (By Senator Malloy)

17 **Q. Good to see you, Mr. Murphy. I know you are across**  
18 **the street from Mr. Smith -- Representative Smith**  
19 **here.**

20 A. Yes, sir.

21 MR. SMITH: Don't hold that against him.

22 **Q. Hope he pays you money from time to time. You get**  
23 **a chance to try many cases over there now in the**  
24 **Sumter area?**

25 A. Well, as the Public Defender I do. I've had -- in

1 Magistrate Court I have. And in Common Pleas my --  
2 I guess I'm a good negotiator because I've settled  
3 the Common Pleas cases I've had. But I -- I -- I  
4 do -- certainly the Public Defender I'm in court  
5 quite a bit.

6 **Q. And do you do PCRs as well?**

7 A. No, I -- I do not. Not as a -- not as an attorney.

8 **Q. Right. And I think that -- did -- did we talk**  
9 **about when you -- were you ever in private**  
10 **practice?**

11 A. Well, I'm pretty -- I'm in private practice now  
12 with -- with my partner Wade Kolb. I mean and what  
13 -- what happened was when I retired I -- Wade and I  
14 got together and at that time I simultaneously  
15 applied for a -- for the Public Defender position  
16 which at that time was under -- was a contract  
17 scenario. And I just -- over time I just stayed  
18 with it so it -- it's -- what I -- the only thing  
19 I'm limited on as far as my private practice goes  
20 is, obviously, I can't represent private criminal  
21 clients in General Sessions Court. I do -- I do  
22 represent individuals in District Court on criminal  
23 matters both in Florence and Columbia. And I've  
24 represented some military folks in disciplinary  
25 actions and court-martials.

1 I have a pretty robust, I would say, VA  
2 practice where I represent individuals before the  
3 Board of Veterans Appeals. And I've also appeared  
4 before the Administrative Judge in Social Security  
5 cases. So it certainly keeps me -- keeps me busy.

6 **Q. Okay. Mr. Howle is your Public Defender?**

7 A. Yes.

8 CHAIRMAN CAMPSEN: Thank you. Any other  
9 questions?

10 (No response.)

11 CHAIRMAN CAMPSEN: Mr. Murphy, thank you.  
12 That concludes this portion of our screening  
13 process. As you know, the record will remain  
14 open until the formal release of the report of  
15 qualifications and you may be called back at  
16 such time if the need arises. I thank you for  
17 your offering and thank you for your service  
18 to this country and the Armed Forces.

19 MR. MURPHY: You're welcome. Thank you,  
20 sir.

21 (Candidate excused.)

22 CHAIRMAN CAMPSEN: Okay. And our next  
23 candidate will be Judge Bentley Price. Judge  
24 Price, welcome.

25 JUDGE PRICE: Thank you very much, sir.

1 CHAIRMAN CAMPSSEN: You have a guest with  
2 you?

3 JUDGE PRICE: Yes, this is my wife  
4 Melissa Price.

5 MRS. PRICE: Hi.

6 CHAIRMAN CAMPSSEN: Mrs. Price, welcome.

7 MRS. PRICE: Thank you.

8 CHAIRMAN CAMPSSEN: Please raise your  
9 right hand.

10 (The Judge is sworn in.)

11 CHAIRMAN CAMPSSEN: Have you had an  
12 opportunity to review your personal data  
13 questionnaire and sworn statement?

14 JUDGE PRICE: Yes, I have.

15 CHAIRMAN CAMPSSEN: Are they correct?

16 JUDGE PRICE: Yes, sir.

17 CHAIRMAN CAMPSSEN: Does anything need to  
18 be changed?

19 JUDGE PRICE: No, sir.

20 CHAIRMAN CAMPSSEN: Do you object to our  
21 making these documents and any documents, if  
22 applicable, a part of the record of your sworn  
23 testimony?

24 JUDGE PRICE: No, sir. No objection.

25 CHAIRMAN CAMPSSEN: It will be done at

1 this point in the transcript.

2 [EXHIBIT 11, JUDICIAL MERIT SELECTION  
3 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR  
4 THE HONORABLE BENTLEY D. PRICE, ADMITTED.]

5 [EXHIBIT 12, SWORN STATEMENT FOR THE  
6 HONORABLE BENTLEY D. PRICE, ADMITTED.]

7 CHAIRMAN CAMPSER: Judge Price, the  
8 Judicial Merit Selection Commission has  
9 thoroughly investigated your qualifications  
10 for the bench. Our inquiry is focused upon  
11 nine evaluative criteria and has included a  
12 ballot box survey, thorough study of your  
13 application materials, verification of your  
14 compliance with state ethics laws, search of  
15 newspaper articles in which your name appears,  
16 study of previous screenings, check for  
17 economic conflicts of interest. We have  
18 received no affidavits filed in opposition to  
19 your election. No witnesses are present to  
20 testify.

21 Do you have a brief opening statement you  
22 would like to make at this time?

23 JUDGE PRICE: Just briefly. Just wanted  
24 to thank everyone for having us here today and  
25 just again I want to recognize my wife for

1           being so supportive throughout this. And I'd  
2           be happy to ask -- answer any question that  
3           you may have.

4                   CHAIRMAN CAMPSEN: Okay. And counsel has  
5           some questions for you now, if you would  
6           please answer them.

7                   JUDGE PRICE: Yes, sir.

8                           EXAMINATION

9           (By Mr. Goldin)

10   **Q.    Afternoon, Judge Price.**

11    A.    Good afternoon.

12   **Q.    Why do you now want to serve as a Circuit Court**  
13   **Judge?**

14    A.    You know that question gets asked a lot throughout  
15           this process and my answer stays the same. I've --  
16           enjoy doing it. I actually love doing it and I've  
17           found over the years that I look forward more to  
18           doing that part of my practice than any other. I  
19           enjoy it more so for the challenges that it -- that  
20           you face. I enjoy doing the daily challenges that  
21           come before me. I -- I enjoy helping the  
22           litigants. I enjoy pretty much all aspects of it.  
23           It's a sacrifice to do it and I look forward to  
24           hopefully being able to do it in a larger capacity  
25           as a Circuit Court Judge.

1     **Q.    Thank you.**

2                     MR. GOLDIN:  Mr. Chairman, I want to note  
3                     for the record that based on the testimony  
4                     contained in the candidate's PDQ, which has  
5                     been included in the record, Judge Price meets  
6                     the statutory and constitutional requirements  
7                     for this position regarding age, residence,  
8                     and years of practice.

9     **Q.    Judge Price, how do you feel your legal and**  
10     **professional experience so far will assist you in**  
11     **being an effective Circuit Court Judge?**

12     A.    I think what sets me apart from most is basically  
13             my past practices.  I've done just about  
14             everything.  I've been a former solicitor.  I've  
15             been in the prosecutorial side of the practice.  I  
16             obviously have done a lot of defense work with a  
17             former practice for about ten years and I've had my  
18             own practice for going on three years now.  And I  
19             do criminal and I do civil, which means that I  
20             obviously have an extraordinarily large base of  
21             practice which I think in this day and age is  
22             fairly unique.  And also I have been a judge for  
23             almost going on ten years.

24                     And so what I think sets me up for the Circuit  
25                     Court is -- is that there's not a whole lot in

1 Circuit Court that I haven't either been involved  
2 in or have not had some situation arise in  
3 participating in that manner in Circuit Court and  
4 obviously I have extreme amount of judicial  
5 experience as well.

6 **Q. What do you perceive as the most important issues**  
7 **that are facing the state courts today?**

8 A. I would say issues of time would be my number one  
9 concern. I think that a lot of times a lot of the  
10 cases get held up based on the fact that some  
11 Circuit Court Judges don't want to make decisions  
12 and they are putting things off and obviously just  
13 taking in to consideration and just the overall  
14 time it's taking to review civil cases, criminal  
15 cases, being able to utilize and move the docket.  
16 I think that's the biggest concern that I would --  
17 I would see right now in the Circuit Court, it's  
18 just the utilization of the attorney's times and  
19 being able to move the docket and the cases  
20 themselves.

21 **Q. If you became aware of unethical conduct on the**  
22 **part of a trial advocate in a case in which you**  
23 **were presiding, how would you handle it?**

24 A. I've had that situation arise. I allowed the  
25 attorney to come in and tell their position as to

1 what transpired. By the -- obviously through the  
2 Canons you have a ethical duty and obligation to  
3 investigate. I did and I found at that point in  
4 time there was another issue that may have arisen  
5 with another judge. He became involved and we  
6 discussed the situation. And ultimately the other  
7 judge made the determination to turn him into the  
8 ODC per the rules.

9 **Q. Okay.**

10 A. But I would conduct my own independent  
11 investigation and give them ample and the  
12 opportunity to discuss the issue.

13 **Q. Do you believe judges should be required to report**  
14 **attorney misconduct?**

15 A. The law says they have to currently. So if you're  
16 going to abide by and follow the law the answer to  
17 that questions would be "yes." Do I think that  
18 they do it as often as they may potentially should,  
19 I don't believe so, but yes it's the law and I  
20 would abide by it.

21 **Q. Thank you. Judge Price, the Commission received**  
22 **158 ballot box surveys regarding you, with 16**  
23 **additional comments. The ballot box survey, for**  
24 **example, contained the following positive comments.**  
25 **"I cannot think of a better candidate for this**

1 position." "Judge Price is a consummate  
2 professional." And they mostly remark on your  
3 experience as a Municipal Court Judge.

4 Two of the written comments did express  
5 concerns. One comment indicated that you actively  
6 interfered in a Circuit Court case in which this  
7 attorney was involved and that you made implied  
8 threats of retaliation based on your authority as a  
9 sitting Municipal Court Judge. He further went on  
10 -- this comment further went on to say that you  
11 were also dismissed for cause from the Solicitor's  
12 Office and urged us to look into that. How would  
13 you respond to, I guess, that comment?

14 A. Well, as with any of these comments, they're  
15 obviously anonymous and so I would not be able to  
16 respond to that specific comment if I didn't have  
17 anymore information, but I would like to state that  
18 -- that for almost going on ten years as a judge  
19 it's evidenced that I have never had any complaint  
20 lodged against me whatsoever. So I would  
21 vehemently deny that that ever transpired.

22 They obviously would have any recourse if they  
23 would -- would want to have chosen, i.e., you know,  
24 turn me in or whatever they want -- wish to do at  
25 that time and obviously that did not transpire.

1 And no, I resigned from the Solicitor's Office and  
2 began employment in a large practice in Charleston.

3 **Q. Thank you. The other concern, and you touched on**  
4 **this a little bit earlier in my questioning, the**  
5 **critique that you -- you might lack civil**  
6 **experience. Do you want to further answer that**  
7 **question?**

8 A. You know I -- as we discussed, I think that the  
9 practice of law has become so specialized that  
10 certain people get pigeon holed into being a  
11 defense attorney, being a criminal attorney, being  
12 a civil attorney. Fortunately the person does  
13 recognize the fact that I do have civil experience.  
14 That I do practice in the civil courts and I do  
15 undertake those type of cases and I do have that  
16 wide base of -- of practice.

17 So with that being said, do I practice a  
18 little bit more in the criminal courts and has that  
19 been kind of my past? Yes. But do I have civil  
20 experience and continue to do that? Absolutely.

21 **Q. Since submitting your letter of intent, have you**  
22 **sought or received the pledge of any legislator**  
23 **either prior to this date or pending the outcome of**  
24 **your screening?**

25 A. No, sir.

1 Q. Have you asked any third parties to contact members  
2 of the General Assembly on your behalf or are you  
3 aware of anyone attempting to intervene in this  
4 process?

5 A. No, sir.

6 Q. Since submitting your letter of intent to run for  
7 this seat, have you contacted any members of this  
8 Commission about your candidacy?

9 A. No, sir.

10 Q. Do you understand that you're prohibited from  
11 seeking a pledge or commitment, directly or  
12 indirectly, until 48 hours after the formal release  
13 of the Commission's report and are you aware that  
14 of the penalties for violating the pledging rules?

15 A. Yes, sir, I'm aware of the rules.

16 Q. Okay. I would note that the Lowcountry Citizens  
17 Committee reported that Judge Price is well  
18 qualified in the evaluative criteria of ethical  
19 fitness, professional and academic ability,  
20 character, reputation, experience and judicial  
21 temperament. And qualified in the remaining  
22 evaluative criteria of constitutional  
23 qualifications, physical health and mental  
24 stability. I would note that this incorporates any  
25 concerns that were raised during the investigation

1           **of Judge Price.**

2           **And Mr. Chairman, I have no further questions.**

3                   CHAIRMAN CAMPSEN: Thank you. Do any  
4           members have questions? Any questions?  
5           Okay. Senator Malloy.

6                   SENATOR MALLOY: Thank you.

7                                   EXAMINATION

8           (By Senator Malloy)

9           **Q. How are you doing, Mr. Price?**

10          A. Just fine, Senator. Thank you, sir.

11          **Q. I guess most of the Committee members would look at**  
12          **your background. I know that you've been here**  
13          **before. Tell us what has changed since then. Tell**  
14          **me what has changed as far as doing other cases and**  
15          **any improvements and those kind of things since you**  
16          **were here last?**

17          A. Basically, what you just touched on, more  
18          experience. I've taken on -- what's been unique  
19          now is that once I opened up my own practice I had  
20          the opportunity to really get more involved in all  
21          of my cases. Whenever I was with the other  
22          practice we shared responsibilities. So you  
23          weren't always kind of up on what the case was  
24          actually doing. When I say that, I speak mostly of  
25          the civil cases.

1           But in this situation -- or in the situation  
2 I'm currently in, running my own practice, has kind  
3 of given me more experience and participating in  
4 everything. Obviously, because they're my -- my  
5 cases and their my clients and I'm the only one  
6 that answers to them.

7           And so with that being said, just more  
8 experience. Obviously, more judicial experience.  
9 Not sure how long ago I became the Chief Judge, but  
10 there's some -- a little bit more responsibilities  
11 with being the Chief Judge and I've had to kind of  
12 undertake some of those responsibilities.

13           But fortunately the answer to that is I've  
14 gotten more experience and the good news to that is  
15 nothing detrimental or negative has actually  
16 transpired.

17 **Q. You have a solo practice now?**

18 A. I do, yes, sir.

19 **Q. And you have a staff?**

20 A. No, sir.

21 **Q. Just you practicing?**

22 A. Yes, sir.

23 **Q. And you're getting some trial experience trying**  
24 **some cases?**

25 A. I have. I actually recently just tried a two week

1 federal trial in a Federal Court for a -- it was  
2 estate and obviously went federal and so I've --  
3 I've just stayed as busy as I've always have.

4 **Q. Right. And so you are -- so you have to end up**  
5 **maintaining your accounts and all that kind of**  
6 **stuff that you do in a private practice? So you**  
7 **have had management from the private side and from**  
8 **-- as a Chief Judge now?**

9 A. Yes, sir, I do it all.

10 **Q. All right. Thank you.**

11 CHAIRMAN CAMPSEN: Thank you. Any other  
12 questions?

13 (No response.)

14 CHAIRMAN CAMPSEN: Okay. Judge Price,  
15 thank you for appearing before us today. That  
16 concludes this portion of our screening  
17 process. As you know the record will remain  
18 open until the formal release of the report of  
19 qualifications and you may be called back at  
20 such time if the need arises.

21 JUDGE PRICE: Yes, sir. Thank you.

22 CHAIRMAN CAMPSEN: Thank you for offering  
23 and thank you for your service to Folly Beach  
24 and South Carolina.

25 JUDGE PRICE: Thank you very much, I

1 appreciate it.

2 CHAIRMAN CAMPSSEN: Thank you.

3 (Candidate excused.)

4 CHAIRMAN CAMPSSEN: Mr. Reibold, welcome.

5 MR. REIBOLD: Good afternoon.

6 CHAIRMAN CAMPSSEN: Do you have anyone  
7 you'd like to introduce to the Commission,  
8 with you?

9 MR. REIBOLD: I do. My wife is with me,  
10 Shealy Reibold.

11 CHAIRMAN CAMPSSEN: Welcome. Thank you  
12 for coming.

13 MRS. REIBOLD: Thank you, sir.

14 CHAIRMAN CAMPSSEN: Please raise your  
15 right hand.

16 (The candidate is sworn in.)

17 CHAIRMAN CAMPSSEN: Have you had an  
18 opportunity to review your personal data  
19 questionnaire and sworn statement?

20 MR. REIBOLD: Yes, I have.

21 CHAIRMAN CAMPSSEN: Are they correct?

22 MR. REIBOLD: They are.

23 CHAIRMAN CAMPSSEN: Does anything need to  
24 be changed?

25 MR. REIBOLD: No further amendments.

1                   CHAIRMAN CAMPSSEN: Do you object to our  
2 making these documents and any amendments, if  
3 applicable, a part of the record of your sworn  
4 testimony?

5                   MR. REIBOLD: I do not.

6                   CHAIRMAN CAMPSSEN: It will be done at  
7 this point in the transcript.

8                   [EXHIBIT 13, JUDICIAL MERIT SELECTION  
9 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR  
10 ROBERT L. REIBOLD, ADMITTED.]

11                   [EXHIBIT 14, SWORN STATEMENT FOR ROBERT  
12 L. REIBOLD, ADMITTED.]

13                   CHAIRMAN CAMPSSEN: Mr. Reibold, the  
14 Judicial Merit Selection Commission has  
15 thoroughly investigated your qualifications  
16 for the bench. Our inquiry has focused on  
17 nine evaluative criteria and has included a  
18 ballot box survey, thorough study of your  
19 application materials, verification of your  
20 compliance with state ethics laws, search of  
21 newspaper articles in which your name appears,  
22 study of previous screenings, check for  
23 economic conflicts of interest. We have no  
24 affidavits filed in opposition to your  
25 election. No witnesses are present to

1 testify.

2 Do you have a brief opening statement you  
3 would like to make at this time?

4 MR. REIBOLD: Yes, sir. I realize that  
5 all the members of this Commission have taken  
6 time away from their livelihood and their  
7 families to be here today for what I consider  
8 to be an important civic duty. I also realize  
9 that you have many more people to talk to  
10 after I leave today. So out of respect for  
11 your time, I want to keep this short.

12 What I want to say is that I have been  
13 here before. Last Fall, I was honored to  
14 receive this Commission's recommendation for a  
15 Circuit Court seat. And I've returned. And I  
16 hope the fact that I've returned demonstrates  
17 both my perseverance and that my desire to be  
18 a Circuit Court Judge is real. Service on the  
19 bench is not a stepping stone. It is not the  
20 career choice of the moment or the flavor of  
21 the month. It's not a way to cap off my  
22 career. It's a destination. I believe in the  
23 work and I want to do the job. And I hope  
24 that by the end of this hearing I will  
25 demonstrate that I'm once again worthy of your

1 recommendation.

2 CHAIRMAN CAMPSEN: Thank you. Please  
3 answer counsel's questions.

4 MS. SIMPSON: Good afternoon. I note for  
5 the record that based on the testimony  
6 contained in the candidate's PDQ, which has  
7 been included in the record with candidate's  
8 consent, Robert Reibold meets the  
9 constitutional and/or statutory requirements  
10 for this position regarding age, residence,  
11 and years of practice.

12 EXAMINATION

13 (By Ms. Simpson)

14 **Q. Mr. Reibold, why do you want to serve as a Circuit**  
15 **Court Judge?**

16 A. That's a very good question. I've been here  
17 before. This is a -- a goal I've had for quite  
18 some time. And what I tell people when they ask  
19 this question is that after over 20 years of  
20 practice I'm no longer naive. I see how the  
21 sausage of the legal system works and how it gets  
22 made. But I'm still idealistic. I'm fool enough  
23 to believe in the way the system is supposed to  
24 work. And what I see in my everyday life and my  
25 practice in the courtroom is that that doesn't

1 always turn out to be the case.

2 There is a vast majority -- not majority, but  
3 a -- a large segment of people who believe that  
4 when they walk into the courtroom in Circuit Court  
5 here in South Carolina, that the deck is stacked  
6 against them. And a lot of the business clients is  
7 -- clients that I represent, they feel the same way  
8 on the civil side. And right or wrong, there's an  
9 appearance out there or a perception out there.  
10 And that -- to me that undermines the system.

11 What I want and it's -- I feel it's my sense  
12 of personal responsibility, is to get in there and  
13 fix that problem. There's only one way to do it  
14 and that's to work from the inside. I tried to  
15 make some changes as a lawyer on the outside that  
16 it's -- it's tilting at windmills. The only way to  
17 make it happen and to make sure it's fair for  
18 everybody, which is the goal, is to get in there  
19 and do the work.

20 **Q. Thank you. Mr. Reibold, how do you feel your legal**  
21 **and professional experience thus far will assist**  
22 **you to be an effective Circuit Court Judge?**

23 A. Well, the very first job I had out of law school  
24 was as a -- as a law clerk for a Circuit Court  
25 Judge. I was lucky enough to clerk for the

1 recently deceased Judge Kinard and that experience  
2 was invaluable. I can't imagine a better training  
3 ground for being a judge than to be a law clerk.  
4 You see what happens in the every day. You assist  
5 in drafting orders. You assist in making  
6 decisions. You assist in dealing with counsel.  
7 You see how the administrative side, the not so fun  
8 side of the job, works. I can't imagine better  
9 training than that.

10 Since that time, I've had over 20 years  
11 experience, predominantly civil, but I have been  
12 fortunate enough to handle all kinds of cases. The  
13 very first case I tried was a little car wreck case  
14 in front of then, Circuit Court Judge, Costa  
15 Pleicones. A little \$2,000.00 wreck case, that's  
16 how I -- we all get our start.

17 But since that time, I've had the good fortune  
18 to try and handle all sorts of matters. If it can  
19 be filed in Common Pleas, I basically handle it.  
20 I've done employment discrimination. I've done  
21 trip and falls. I've done a partition action.  
22 I've done car accident, personal injury cases.  
23 I've tried a multimillion dollar class action case  
24 in Common Pleas Court. I've also appeared in  
25 Appellate Courts. I've argued cases at the Court

1 of Appeals and at the South Carolina Supreme Court.  
2 And I've even argued a patent appeal in front of  
3 the United States Court of Appeals from the Federal  
4 Circuit.

5 I've had a wide variety of experience. I'm AV  
6 rated by Martindale-Hubbell. And I've been found  
7 well qualified by the -- by the Bar Association.  
8 And I feel that I do have the experience, education  
9 to be a Circuit Court Judge.

10 **Q. Mr. Reibold, what do you perceive as the most**  
11 **important issues facing state courts today?**

12 A. Well, there are a lot of things that could be the  
13 answer to this question. I'm sure many people  
14 would say the funding of the -- of the court system  
15 is a -- is a top issue.

16 But from my mind, from my personal opinion,  
17 I'm going to go back to what I started with when I  
18 opened. I believe there is a crisis of  
19 credibility. I believe if you -- the public  
20 perception of the court system is not where it  
21 needs to be. As I said, there's a segment of  
22 population, especially on the criminal side, who  
23 believes that when you walk into the courtroom it's  
24 stacked against you. You don't -- you do not have  
25 a fair shot. And -- and there's many reasons for

1 that. Here in Columbia we've had a problem with  
2 the crime lab that cast doubt on some criminal  
3 convictions. That same issues has even happened  
4 with the FBI to cast doubt on criminal convictions.

5 We -- you know, I've had a business client who  
6 after a particularly bad experience in Allendale  
7 County decided to pull out of South Carolina  
8 because they believe that the system was not fair  
9 to them. The civil system didn't work for them.  
10 And these observations, they're not untrue. I mean  
11 this is what people believe and I think there's a  
12 serious crisis.

13 If you look at -- one of the things that  
14 scares me the most is this recent Oregon standoff  
15 Bundy verdict. The only way that can be  
16 rationalized is if the 12 people in the jury box  
17 decided to nullify the law. That's -- that's what  
18 appears to have happened. And that means that they  
19 said, court we don't respect your authority. We  
20 don't respect your ability to prosecute these  
21 people, to put these people in jail. We -- we  
22 don't believe in the law.

23 To me that's frightening. If somebody who  
24 does believe in the system and does believe in the  
25 way it's supposed to work, that kind of result is

1           frightening to me. I think this is a real crisis.  
2           I -- to me that's -- that is the biggest issue  
3           facing the state courts today.

4       **Q. Thank you. If you become aware of unethical**  
5       **conduct on the part of a trial advocate in a case**  
6       **in which you were presiding, how would you handle**  
7       **it?**

8       A. I think the starting point there is to refer to the  
9       Canons Judicial Ethics. They're -- they're pretty  
10       clear on this and -- and the people that wrote them  
11       took a lot -- took a lot of thought and time to  
12       figure out where the balance should be struck. And  
13       under the Canons, you're not required -- as a judge  
14       you're not required to report every ethical  
15       violation. But if it does impact -- if you believe  
16       it impacts on the lawyers fitness to practice law,  
17       it does rise to the level of a mandatory report.

18               I think -- my own personal opinion is that  
19       judges shouldn't be required to report everything.  
20       I think there has to be some discretion, some sort  
21       of sliding scale. And I see this in practice. The  
22       Frivolous Proceedings Act, it doesn't work the way  
23       it's suppose to work. And one of the primary  
24       things that I hear about it is that because there  
25       is a mandatory report feature, judges are reluctant

1 to find things frivolous. They know if they grant  
2 a Frivolous Proceedings Motion they have to turn  
3 somebody into ODC. As a result, that person, they  
4 temporarily lose their job, could permanently lose  
5 their job. Their -- their wife, their children,  
6 their -- their husband, their associates could be  
7 damaged by it. And they know these people. They  
8 appeared in front of them and they're reluctant to  
9 make that determination.

10 Because of the consequences about it I think  
11 there needs to be some sort of sliding scale.  
12 Obviously, once it rises to a certain point where  
13 you believe it does impact their fitness to  
14 practice law, that's a mandatory report.

15 **Q. Mr. Reibold, you answered, that judges should be**  
16 **required to report attorney misconduct. If you**  
17 **became aware of unethical conduct, how would you**  
18 **handle it?**

19 A. Well, I think that would have to -- would be a very  
20 fact specific scenario and it would depend upon  
21 what the unethical conduct I became aware of was.  
22 If it was conduct that I believed impacted fitness  
23 to practice law, then I'm required to report  
24 discretions.

25 If it's conduct that I don't believe rises to

1 that level, there are other appropriate actions  
2 which could be taken which can include counseling,  
3 depending upon what the specific issue is. Or, you  
4 know, a stern reprimand in chambers. If you begin  
5 to see as -- as a judge if you begin to see  
6 repeated violations, even moderate violations, then  
7 I think that takes it to a different level as well  
8 where we determine -- where reporting is a more  
9 feasible option.

10 **Q. Thank you. Mr. Reibold, the Commission received**  
11 **109 ballot box surveys regarding you, with ten**  
12 **additional comments. The ballot box survey, for**  
13 **example, contain the following positive comments.**  
14 **"Good guy. Very balanced point of view and**  
15 **demonstrates a very keen and serious approach to**  
16 **legal issues. Excellent temperament and patience.**  
17 **Well qualified in all respects."**

18 **Four of the written comments express concerns.**  
19 **One comment indicated that you do not have the**  
20 **experience to be a judge. What response would you**  
21 **offer to this concern?**

22 **A. Well, we've already talked about that to some**  
23 **extent. One of the prior questions is what -- how**  
24 **does my experience and background qualify me to be**  
25 **a Circuit Court Judge.**

1           And -- and I've been through my service as a  
2           Circuit Court Law Clerk. My years of practice and  
3           types of cases I've handled, I do believe that I  
4           have the experience to be a Circuit Court Judge.  
5           Many judges get on the bench having predominantly  
6           practiced on one side or the other and so my  
7           situation is not unusual.

8           **Q. There are also concerns about poor temperament.  
9           What response would you offer to this concern  
10          regarding your temperament?**

11          A. Well, I first want to point out that the majority  
12          of the respondents found me well qualified in  
13          temperament. And so I think that's a minority  
14          response. I'm somewhat surprised by it. I've  
15          always been the, you know, typical nice guy. I'm  
16          sure at some point I've lost a girlfriend because  
17          of it.

18                 But I'm also not upset to hear that. What we  
19          do is adversarial and we're -- we're up against  
20          somebody. There's an opponent in the case and if I  
21          hadn't annoyed an opposing counsel at some point in  
22          my career, then I'm not doing a very good job of  
23          representing my clients. So I think the vast  
24          majority of the times that's not an issue. If I  
25          have to get stern to protect my clients rights,

1           then I -- I do it.

2       **Q.**   **Okay. I just have a few housekeeping issues.**  
3           **Since submitting your letter of intent have you**  
4           **sought or received the pledge of any legislator**  
5           **either prior to this date or pending the outcome of**  
6           **your screening?**

7       **A.**   I have not.

8       **Q.**   **Have you asked any third parties to contact members**  
9           **of the General Assembly on your behalf or are you**  
10          **aware of anyone attempting to intervene in this**  
11          **process on your behalf?**

12      **A.**   I have not asked anybody to do so. I have not  
13          authorized anyone to do so. No one has done  
14          anything on my behalf.

15      **Q.**   **Since submitting your letter of intent to run for**  
16          **this seat, have you contacted any members of the**  
17          **Commission about your candidacy?**

18      **A.**   I have not, but in the interest of full disclosure  
19          I did send a three sentence announcement letter to  
20          Senator Hembree before he was on the Commission. I  
21          -- since he was appointed to the Commission I have  
22          had no contact whatsoever with him.

23      **Q.**   **Do you understand that you are prohibited from**  
24          **seeking a pledge or commitment directly or**  
25          **indirectly until 48 hours after the formal release**

1           **of the Commission's report and are you aware of the**  
2           **penalties for violating the pledging rules.**

3           A.    I am.    You all are very clear about that.

4                        MS. SIMPSON:   I would also like to note  
5                        that the Midlands Citizens Committee Report  
6                        reported that Mr. Reibold is qualified in the  
7                        evaluative criteria of constitutional  
8                        qualifications, physical health, mental  
9                        stability and experience.   The Committee found  
10                      him well qualified in the evaluative criteria  
11                      of ethical fitness, professional and academic  
12                      ability, character, reputation, and judicial  
13                      temperament.   The Committee stated in summary,  
14                      Mr. Reibold is qualified, but more criminal  
15                      law experience would be helpful.   I would just  
16                      note for the record that any concerns raised  
17                      during the investigation regarding the  
18                      candidate were incorporated into the  
19                      questioning of the candidate today.

20                      Mr. Chairman, I have no further  
21                      questions.

22                      CHAIRMAN CAMPSER:   Thank you.   Members,  
23                      any questions?   Representative Smith.

24                                      EXAMINATION

25                      (By Representative Smith)

1 Q. Good afternoon, Mr. Reibold. Can you help me -- I  
2 noticed that you were Judge Kinard's Law Clerk and  
3 I've always wondered this for years is when he did  
4 like this (demonstrating) when -- when he ruled  
5 upon an objection, can you tell us what that meant?

6 A. Well, you know, to be on the receiving end I'm sure  
7 that wasn't too fun. That was a dismissive  
8 gesture. He made it usually jokingly. One of the  
9 things about Judge Kinard was he had an extremely  
10 dry sense of humor. If you didn't know him well,  
11 you couldn't tell when he was joking.

12 Q. We always loved it as lawyers, because nobody could  
13 figure out whether he was sustaining or over --  
14 overruling the objection, he just kept on going.

15 A. Yep (laughter), move on.

16 Q. Yes. Thank you.

17 CHAIRMAN CAMPSSEN: Any other questions  
18 that don't have to do with gestures?

19 (Laughter.)

20 MR. SMITH: Have some gestures for you,  
21 Mr. Chairman (laughter).

22 CHAIRMAN CAMPSSEN: Those have to be taken  
23 up in executive session, I'm afraid.

24 CHAIRMAN CAMPSSEN: Okay. Mr. Safran.

25 MR. SAFRAN: Thank you, Mr. Chairman.

## EXAMINATION

1  
2 (By Mr. Safran)

3 Q. Just one quick question. I know that you have gone  
4 through this process, as you mentioned, several  
5 times. And I understand that looking at the report  
6 from the Citizens Committee and I think probably  
7 from here in the past, there's been some question  
8 about lack of criminal experience; you're aware of  
9 that?

10 A. Certainly, I'm aware of that.

11 Q. And, I guess, if in fact, this is kind of something  
12 you've had as a goal, calling, something that you  
13 want to do, have you done anything really to try to  
14 enhance the criminal experience if that's been  
15 found to be kind of a short spot?

16 A. I have. I've gone out and I have, you know, as dry  
17 as it is, I've read Criminal Law Hornbooks. And  
18 I'm sure much to my partner's chargin, I have  
19 periodically been going to criminal law CLEs, even  
20 though that doesn't involve my practice. I went to  
21 a symposium, criminal law symposium, put on by the  
22 Riley Institute at Furman.

23 So I have been taking some steps to -- to bone  
24 up on that area. And the Commission has my  
25 commitment that if I were to be on the bench I

1 would do everything possible to -- to be competent.

2 Q. I apologize, just one follow-up. I mean the reason  
3 I ask it is this. I -- I personally don't get to  
4 Circuit Court a lot anymore. What at least I  
5 understand is in the way things have gone with the  
6 advent of mediation and all spectrums is that  
7 basically what you're seeing is a judge often in  
8 Circuit Court is discovery motions and things of  
9 that type on the civil side and a heck of a lot of  
10 criminal. And so if a good bit of your time is  
11 going to be spent doing General Sessions, do you  
12 think maybe more than what comes out of a book is  
13 probably going to be, I guess, beneficial?

14 A. First of all, I'm not sure I would agree with your  
15 assessment of what goes on in Common Pleas. PCRs,  
16 for example, are civil in terms. Those all involve  
17 criminal law, I've handled those as a practitioner  
18 as well. There is a lot of motions practiced. The  
19 discovery issues, judges don't like to hear those.  
20 Usually they make you work them out. That's not a  
21 large part of what you do.

22 But I think the last statistics I saw and I  
23 don't know if it's the most recent year, there were  
24 about 115,000 new cases filed in Circuit Court on  
25 the civil side. Pretty -- my experience is that

1 about 90 percent of those settle. The mediation  
2 process has been successful in weeding as out --  
3 weeding those out, but that's still leaves you with  
4 5, 6,000 new cases a year that are going to be  
5 tried. That's a lot of trial work. So I -- I  
6 don't -- I -- I think if you look at -- if you look  
7 at the terms of the court that are scheduled by the  
8 Court Administration, I think you see a slight edge  
9 to civil terms, not including -- that's not even  
10 including the PCRs which are technically classified  
11 as civil, but technically kind of criminal.

12 So I -- I don't think that it's fair to say  
13 that the -- that the predominant work is going to  
14 be on -- on the criminal side. I think there's  
15 just as much work on the civil side.

16 **Q. And you may be right, but I guess my question is,**  
17 **there's still going to be a substantial amount of**  
18 **criminal work?**

19 **A.** I -- I would think probably at least -- at least  
20 half of your time will be in the criminal field --

21 **Q. Right.**

22 **A.** -- whether it's guilty pleas or trials.

23 **Q. Okay. And I guess it all goes back that -- at**  
24 **least what I'm hearing from you, is the fact that**  
25 **you've kind of gone into these other areas to try**

1 to more or less further acquaint yourself with the  
2 criminal law in general, that's something you feel  
3 like it's kind of remedied some of the concerns  
4 that were here in the past?

5 A. I -- I believe so. I've taken steps -- I -- I --  
6 you know, short of changing my entire practice  
7 there's very little I could do. And I -- I'm not  
8 sure that -- that trying a DUI case at this point  
9 in my career when I -- I would be doing it for the  
10 first time is the best use of my time --

11 Q. No --

12 A. -- because I've got responsibilities to other  
13 people as well.

14 Q. No, I get that and I appreciate your answer. Thank  
15 you.

16 CHAIRMAN CAMPSSEN: Thank you. Any other  
17 questions?

18 (No response.)

19 CHAIRMAN CAMPSSEN: Okay. Mr. Reibold,  
20 thank you for being with us. This concludes  
21 the portion of your screening process. As you  
22 know, the record will remain open until the  
23 formal release of the report of qualifications  
24 and you may be called back at any such time if  
25 the need arises. I thank you for offering and

1 thank you for your willingness to serve South  
2 Carolina.

3 MR. REIBOLD: Thank you.

4 CHAIRMAN CAMPSSEN: Okay. I would  
5 entertain a motion to go into executive  
6 session.

7 MR. HITCHCOCK: So moved.

8 MR. HOWARD: Second.

9 CHAIRMAN CAMPSSEN: Motion by Mr.  
10 Hitchcock and second by Mr. Howard. Any  
11 discussion?

12 (No response.)

13 CHAIRMAN CAMPSSEN: No discussion. Move  
14 immediately to a vote. All in favor indicate  
15 by saying aye.

16 BOARD MEMBERS: "Aye."

17 CHAIRMAN CAMPSSEN: Opposed?

18 (No response.)

19 CHAIRMAN CAMPSSEN: The ayes have it.  
20 We're now in executive session.

21 (Off-the-Record Executive Session.)

22 CHAIRMAN CAMPSSEN: We've risen from  
23 executive session and we're now back on the  
24 record. No votes were taken. No decisions  
25 made. And we will now cast ballots for

1 Circuit Court, At-Large, Seat 1.

2 Is there a motion that all the candidates  
3 be found qualified?

4 REPRESENTATIVE BANNISTER: Yes.

5 SENATOR HEMBREE: Second.

6 CHAIRMAN CAMPSSEN: We have a motion from  
7 Representative Bannister, second from Senator  
8 Hembree. Any discussion?

9 (No response.)

10 CHAIRMAN CAMPSSEN: Being no discussion  
11 we'll move immediately to a vote. All those  
12 in favor indicate by saying aye.

13 BOARD MEMBERS: "Aye."

14 CHAIRMAN CAMPSSEN: Opposed?

15 (No response.)

16 CHAIRMAN CAMPSSEN: The ayes have it.  
17 And now when it comes to those who are  
18 nominated we need to draw some columns in the  
19 blocks for qualified and nominated and then  
20 record the vote you take in each round like we  
21 did last time. Ms. Brogdon.

22 MS. BROGDON: Just to run through those  
23 voting procedures again. I'll call the name  
24 of each candidate in alphabetical order and  
25 everybody will get three votes in total. Once

1 a candidate -- if any candidate who receives  
2 six or more votes will be found qualified and  
3 nominated at the end of that vote. Any  
4 candidate that receives zero votes will not be  
5 in any subsequent rounds of voting unless  
6 there is a tie of six. And if there's a tie  
7 of six then those candidates would not move  
8 forward into being nominated.

9 And then on the sheet if you'll just draw  
10 vertical lines under nominated to keep track  
11 of each round of voting in the event we have  
12 more than one. Does anybody have any  
13 questions about the voting? Everybody has  
14 three.

15 Okay. By a show of hands please raise  
16 your hand if you want to find Mr. Jeffrey P.  
17 Bloom nominated.

18 (Board members vote.)

19 REPRESENTATIVE RUTHERFORD: And as  
20 housekeeping, so I mark my form.

21 MS. BROGDON: Yes. Like right here.  
22 That's 1 vote for Mr. Bloom.

23 MS. BROGDON: Ms. Meliah Bowers  
24 Jefferson, please your hand if you want to  
25 find her nominated.

1 (Board members vote.)

2 MS. BROGDON: That's 10 votes so she will  
3 be found qualified and nominated.

4 Next is the Honorable George Marion  
5 McFaddin, Jr. Please raise your hands if you  
6 want to find him nominated.

7 (Board members vote.)

8 MS. BROGDON: All right. That's 10 votes  
9 for Judge McFaddin so he will also be found  
10 qualified and nominated.

11 Next is Mr. William Vickery, he goes by  
12 Vick Meetze. Please raise your hands if you  
13 want to find him nominated.

14 (Board members vote.)

15 MS. BROGDON: That's 1 vote for Mr.  
16 Meetze.

17 Next is Mr. Timothy Ward Murphy. Please  
18 raise your hands if you want to find him  
19 nominated.

20 (Board members vote.)

21 MS. BROGDON: That's 7 votes for Mr.  
22 Murphy so he will also be found qualified and  
23 nominated.

24 All right. So next is the Honorable  
25 Bentley D. Price. Please raise your hands if

1                   you want to find him nominated.

2                   (Board members vote.)

3                   MS. BROGDON: That's no votes for Mr.  
4 Price.

5                   And last is Mr. Robert L. Reibold.  
6 Please raise your hands if you want to find  
7 him nominated.

8                   (Board members vote.)

9                   MS. BROGDON: That's 1 vote for Mr.  
10 Reibold.

11                  CHAIRMAN CAMPSSEN: Please recap.

12                  MRS. BROGDON: So to go back over, Mr.  
13 Bloom received 1 vote; Ms. Jefferson received  
14 10; Judge McFaddin received 10; Mr. Meetze  
15 received 1; Mr. Murphy received 7; Mr. Price  
16 received 0; Mr. Reibold received 1.

17                  So that means that Ms. Jefferson, Judge  
18 McFaddin, and Mr. Murphy are found qualified  
19 and nominated.

20                  CHAIRMAN CAMPSSEN: Next we have two  
21 candidates for Family Court, 8th Circuit, Seat  
22 2. Ms. Zimmerman, welcome.

23                  MS. ZIMMERMAN: Thank you.

24                  CHAIRMAN CAMPSSEN: Do you have someone  
25 with you that you would like to introduce?

1 MS. ZIMMERMAN: Yes, sir, my husband Don  
2 Zimmerman is here with me.

3 CHAIRMAN CAMPSSEN: Mr. Zimmerman, thank  
4 you for being with us.

5 Mrs. Zimmerman, please raise your right  
6 hand.

7 (The candidate is sworn in.)

8 CHAIRMAN CAMPSSEN: Have you had an  
9 opportunity to review your personal data  
10 questionnaire and sworn statement?

11 MS. ZIMMERMAN: Yes, I have.

12 CHAIRMAN CAMPSSEN: Are they correct?

13 MS. ZIMMERMAN: Yes, sir.

14 CHAIRMAN CAMPSSEN: Does anything need to  
15 be changed?

16 MS. ZIMMERMAN: No, sir.

17 CHAIRMAN CAMPSSEN: Do you object to our  
18 making these documents and any amendments, if  
19 applicable, a part of the record of your sworn  
20 testimony?

21 MS. ZIMMERMAN: No, sir, I do not.

22 CHAIRMAN CAMPSSEN: They will be done at  
23 this point in the transcript.

24 [EXHIBIT 15, JUDICIAL MERIT SELECTION  
25 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR

1 MINDY WESTBROOK ZIMMERMAN, ADMITTED.]

2 [EXHIBIT 16, SWORN STATEMENT FOR MINDY  
3 WESTBROOK ZIMMERMAN, ADMITTED.]

4 CHAIRMAN CAMPSER: Ms. Zimmerman, the  
5 Judicial Merit Selection Commission has  
6 thoroughly investigated your qualifications  
7 for the bench. Our inquiry is focused on nine  
8 evaluative criteria and has included a ballot  
9 box survey, a thorough study of your  
10 application materials, verification of your  
11 compliance with state ethics laws, search of  
12 newspaper articles in which your name appears,  
13 study of previous screenings, check for  
14 economic conflicts of interest. We have  
15 received no affidavits filed in opposition to  
16 your election. No witnesses are present to  
17 testify.

18 Do you have a brief opening statement you  
19 would like to make at this time?

20 MS. ZIMMERMAN: I appreciate the  
21 opportunity to be here and I appreciate the  
22 effort that you all put into considering  
23 us. And I -- I believe that I'm a good fit  
24 for this and I hope you'll continue to  
25 consider me as we go through this process.

1 CHAIRMAN CAMPSER: Thank you. Please  
2 answer counsel's questions at this time.

3 MS. ZIMMERMAN: Yes, sir.

4 EXAMINATION

5 (By Mr. Hinson)

6 **Q. Ms. Zimmerman, please state for the record the city  
7 and circuit in which you reside?**

8 A. I live in Newberry, South Carolina, which is the  
9 8th Judicial Circuit.

10 **Q. Thank you.**

11 MR. HINSON: I note for the record that  
12 based on the testimony contained in the  
13 candidate's PDQ, which has been included in  
14 the record with candidate's consent, Ms.  
15 Zimmerman meets the constitutional and/or  
16 statutory requirements for this position  
17 regarding age, residence, and years of  
18 practice.

19 **Q. Ms. Zimmerman, why do you now want to serve as a  
20 Family Court Judge and how do you feel your legal  
21 and professional experience thus far will assist  
22 you in -- to be an effective judge?**

23 A. I believe that I'm qualified for this because of  
24 the sort of various areas that I've practiced. I  
25 have experience representing the Department of

1 Social Services. I have experience representing  
2 parents going through that process. Experience in  
3 the juvenile system as well as representing parties  
4 in private actions.

5 And I -- I believe that this is something  
6 that's kind of the -- the next step for me. I -- I  
7 believe that I have something to offer the bench.  
8 I think that I maybe come from a little bit  
9 different background than what a lot of members of  
10 the judiciary have.

11 I -- I come from working class parents. My  
12 parents divorced when I was young and I believe  
13 that the experience that I have to offer and the  
14 insights that I can give to, particularly the  
15 children that go through the Family Court system,  
16 is -- is something unique and I think I would be a  
17 good fit for that.

18 **Q. Thank you. Ms. Zimmerman, are there any areas of**  
19 **the law for which you would need additional**  
20 **preparation if you were to serve as a Family Court**  
21 **Judge and how would you handle that additional**  
22 **preparation?**

23 A. Well, I believe that I am prepared, however, I -- I  
24 don't think we ever stop learning. I -- I think  
25 that, you know, the law is -- is kind of a

1 continuous pursuit. But I do have experience in  
2 the three different areas that come before the  
3 Family Court.

4 **Q. Ms. Zimmerman, please briefly describe your**  
5 **experience in handling complex contested family**  
6 **court matters and specifically discuss your**  
7 **experience with the financial aspects of family**  
8 **court work.**

9 A. I have represented parties that, you know, through  
10 the divorce process. Most recently, I did a case  
11 where we had over a million dollars in financial  
12 accounts. We had to do draft QDRO's and things of  
13 that nature. So I have a good bit of experience  
14 with that, helping clients prepare financial  
15 declarations. Several different cases where we've  
16 had to hire forensic accountants and -- and bring  
17 them and work with the financials. And -- and I've  
18 also represented several people that have gone  
19 through divorce who own businesses which can be a  
20 whole extra area of complexity to that process.

21 **Q. Thank you. And, Ms. Zimmerman, what role could**  
22 **judges play in improving outcomes for youth**  
23 **involved in the juvenile justice system?**

24 A. I believe that it's very important for judges to  
25 look to what's causing the problem that brings the

1 juvenile in. I know from my experience when I was  
2 prosecuting as well as when I've represented  
3 juveniles, often times the home environment is not  
4 really conducive to what that juvenile needs to get  
5 back on the right path. And I believe that if the  
6 court kind of investigates a little further and --  
7 and makes sure that that child has the resources  
8 available to them to reach the reform, which is  
9 what we hope from that process, that that's the  
10 best outcome for each child.

11 **Q. Thank you. Ms. Zimmerman, the Commission received**  
12 **146 ballot box surveys regarding you with 18**  
13 **additional comments. The ballot box survey, for**  
14 **example, contained the following positive comments:**  
15 **"Ms. Zimmerman would be a great addition to the**  
16 **bench." Another said you would have great judicial**  
17 **temperament.**

18 **Four of the written comments express concerns.**  
19 **Those comments indicated that you lack the**  
20 **experience and qualifications necessary to be a**  
21 **judge. What response would you offer to this**  
22 **concern?**

23 **A. I've been practicing law ten years. I understand**  
24 **that, you know, there may be plenty of candidates**  
25 **that come before this Committee that have more**

1 experience than that. But I think that it's more  
2 than just the years with a law license. It's what  
3 I've done in that time.

4 I -- I have, you know, worked in various  
5 different areas of family law and I believe all of  
6 that, you know, will really serve me well. I  
7 believe that I have a lot of experience compacted  
8 in that ten years.

9 I also would point out that we have had other  
10 judges that have done wonderful jobs. We -- we  
11 have Justice Hearn and Justice Kittredge who had  
12 nine years experience when they first took the  
13 bench. So I don't think there's any magic number  
14 of years in practice. I think it has to do with  
15 overall qualifications and experience in that area.

16 **Q. Thank you for that. One of the four who raised**  
17 **concerns regarding your experience and**  
18 **qualifications also raised concerns regarding your**  
19 **attitude and demeanor towards them. What response**  
20 **would you offer to this concern?**

21 A. I -- that one I find very unfortunate. I -- I try  
22 very hard to get along with people, you know, those  
23 comments are difficult to respond to when you don't  
24 know the exact context. If I was having a bad day  
25 or an off day, you know, I -- I hate that they had

1 that image of me because I do try very hard to work  
2 with other counsel. We actually have a very  
3 congenial bar in Newberry that gets along well. So  
4 I -- I would continue to try to make sure that I  
5 consider my demeanor if I was allowed to be on the  
6 bench.

7 **Q. Thank you for that. A few housekeeping issues.**  
8 **Since submitting your letter of intent, have you**  
9 **sought or received a pledge of any legislator**  
10 **either prior to this date or pending the outcome of**  
11 **your screening?**

12 A. No, sir.

13 **Q. Have you asked any third parties to contact members**  
14 **of the General Assembly on your behalf or are you**  
15 **aware of anyone attempting to intervene in this**  
16 **process on your behalf?**

17 A. No, sir.

18 **Q. Since submitting your letter of intent to run for**  
19 **this seat, have you contacted any members of the**  
20 **Commission about your candidacy?**

21 A. No, sir.

22 **Q. Do you understand that you are prohibited from**  
23 **seeking a pledge or commitment directly or**  
24 **indirectly until 48 hours after the formal release**  
25 **of the Commission's report and are you aware of the**

1           **penalties for violating the pledging rules?**

2           A.    Yes, sir.

3                         MR. HINSON:  I would note that the  
4                         Piedmont Citizens Committee found Ms.  
5                         Zimmerman qualified in the evaluative area --  
6                         criteria of constitutional qualifications,  
7                         physical health, and mental stability.  The  
8                         Committee found her well qualified in the  
9                         evaluative criteria of ethical fitness,  
10                        professional and academic ability, character,  
11                        reputation, experience, and judicial  
12                        temperament.  The Committee stated, in  
13                        summary, the Committee was very impressed by  
14                        the high level of energy and ability that Ms.  
15                        Zimmerman obviously brings to her job as an  
16                        experienced Family Court lawyer and we are  
17                        confident that she would bring these same  
18                        qualities to the position of Family Court  
19                        Judge.  She is well regarded by her peers and  
20                        has a wide range of relevant experience.  I  
21                        would just note for the record that any  
22                        concerns raised during the investigation  
23                        regarding the candidate were incorporated in  
24                        the questioning of the candidate today.  And,  
25                        Mr. Chairman, I have no further questions.

1                   CHAIRMAN CAMPSER: Thank you. Any  
2                   members have any questions for Ms. Zimmerman?  
3                   Okay. Senator Malloy.

4                   SENATOR MALLOY: Thank you.

5                   EXAMINATION

6                   (By Mr. Malloy)

7                   **Q. How you doing Ms. Zimmerman?**

8                   A. Good. How are you?

9                   **Q. I'm doing well. So you've been practicing law**  
10                   **about --**

11                   A. Ten years.

12                   **Q. -- ten years?**

13                   A. Yes, sir.

14                   **Q. And you've been in -- in those ten years you've**  
15                   **been in private practice?**

16                   A. I originally started with the 8th Circuit  
17                   Solicitor's Office --

18                   **Q. Right, prosecuting cases.**

19                   A. Yes, sir. And then in 2009, I opened my office.

20                   **Q. So you were a solicitor for three years?**

21                   A. Full time for three years. I did keep a contract  
22                   and prosecuted exclusively juvenile cases for  
23                   another year when I left. So for the first year  
24                   that I was in private practice I didn't do defense  
25                   work.

1 Q. So when you were in the Solicitor's Office your  
2 line of practice was primarily with -- from  
3 juveniles?

4 A. When I first started with the Solicitor's Office, I  
5 was handling narcotic cases for Laurens and  
6 Newberry counties, I went back and forth. But  
7 after a year of doing that, I was actually assigned  
8 full time to Newberry and I handled both General  
9 Sessions and juvenile cases at that point.

10 Q. And in your job as a solicitor of juvenile cases,  
11 tell me how that would work, I mean, did y'all try  
12 to explore ways to have some sentencing and  
13 alternative measures? In other words, I'm trying  
14 to see your philosophy as it relates to children.

15 A. I --

16 Q. Because one of things that has been, if there was  
17 one, one of the things that we have here in our  
18 state is we get concerned a lot of times underlying  
19 with how many children are behind the fence --

20 A. Yes, sir.

21 Q. -- so to speak. Because we do know that children a  
22 lot of times are subject of their home environment  
23 and those kinds of things. Help me understand your  
24 approach whenever you were a solicitor in  
25 prosecuting juvenile cases.

1 A. Yes, sir. When I actually first went into the  
2 juvenile prosecution, we had previously had  
3 somewhat of a contract doing it and I don't think  
4 that there was a lot of involvement. That  
5 individual kind of just showed up for court and saw  
6 the cases as -- as they came there. And that's  
7 part of the reason that we brought it back in-house  
8 just some -- some individuals that had other  
9 prosecutorial experience.

10 I did try very hard to look behind what was  
11 going on with this child. One specific thing that  
12 always struck me is when we had criminal sexual  
13 conduct within the home. Certainly that's  
14 something that's very serious that needs to be  
15 dealt with, but we also need to look at why that  
16 child is acting out in that way because it's not  
17 natural behavior for children to act that way  
18 towards siblings.

19 And so often, if you dug a little deeper you  
20 would find out that that child themselves was a  
21 victim. And -- and so there's more treatment  
22 that's needed aside from just what they may have  
23 perpetrated, but also what they experienced. And  
24 to me I think that that's something very important  
25 to look into those things. What -- what brought

1           this juvenile to this place.

2       **Q.    Sure.  And I'm always interested in alternative**  
3           **sentencing and I understand the adjudication of**  
4           **delinquency as it relates to a child and the things**  
5           **that we've talked about before this Committee**  
6           **before is -- is that I'm not so interested in the**  
7           **pipeline from the Family Court to the facilities.**

8       **A.    Yes, sir.**

9       **Q.    And so I just want to make certain that when and if**  
10           **you ascend to the bench that you -- that it's not**  
11           **just through the eyes of a prosecutor.**

12      **A.    Yes, sir.**

13      **Q.    And so I guess have you defended some of those**  
14           **cases as well?**

15      **A.    Yes, sir, I have.  I was on -- when they were still**  
16           **doing appointments to us before they went to the**  
17           **contract system, I got a lot of appointments.  I**  
18           **also have represented people that their parents**  
19           **have come in and retained us.  And -- and I've also**  
20           **represented a lot of children through school board**  
21           **actions.  So I have -- certainly have experience**  
22           **representing the child side of things, not just the**  
23           **states.**

24      **Q.    Okay.  And in this past year we raised the age as**  
25           **it relates to the adjudication, as it relates to**

1 below 17 --

2 A. Yes.

3 Q. -- and we were one of the last states to do it.

4 There is about eight or nine states that have not,  
5 we're probably 42 or 43. And so I just wanted to  
6 make certain that there is no particular judicial  
7 philosophy as it relates to these children because  
8 I think that this is very sensitive when we get to  
9 the Family Court standpoint and the hardest thing  
10 that you're going to have to do is to handle these  
11 children --

12 A. Absolutely.

13 Q. -- and they are our children here in this state and  
14 it's a problem. We've had some issues with  
15 juvenile justice and probably need to do some  
16 reform on our end, but I just want to make sure  
17 that the people that get on the bench have a  
18 sensitivity to children because I know that this is  
19 a very difficult job and in handling the matters as  
20 it relates to children is probably one of the  
21 hardest things that we do.

22 So I'm delighted to know that you have worked  
23 on both sides and I saw -- I read your bio, I saw  
24 that you were going to a technical school when you  
25 were in high school getting credits. And that's

1 commendable too because we -- lot of times we got  
2 to end up having folks with that kind of experience  
3 that will end up teaching our children that there  
4 are ways to get educated. It looks like you went  
5 to technical school and then you went to a college  
6 and spread it out. And then did really well when  
7 you were in college.

8 A. Yes, sir. Thank you. And I -- I will tell you, I  
9 sat through the Senate and the House, some of those  
10 subcommittee hearings on what was going on at the  
11 Department of Juvenile Justice just to kind of  
12 educate myself. So I -- I know that -- that you  
13 guys are doing a lot of work there and they're  
14 having a lot of issues.

15 Q. Thank you, Ms. Zimmerman. Thank you.

16 CHAIRMAN CAMPSSEN: Okay. Anybody else?

17 (No response.)

18 CHAIRMAN CAMPSSEN: Okay. Ms. Zimmerman,  
19 thank you so much for offering. That  
20 concludes this portion of our screening  
21 process. As you know, the record will remain  
22 open until the formal release of the report of  
23 qualifications and you may be called back at  
24 any time if the need arises.

25 MS. ZIMMERMAN: Yes, sir.

1                   CHAIRMAN CAMPSSEN: Thank you for your  
2 offering and thank you for willing to serve  
3 South Carolina.

4                   MS. ZIMMERMAN: Thank you, sir.  
5 (Candidate excused.)

6                   CHAIRMAN CAMPSSEN: Mr. Price, welcome.

7                   MR. PRICE: Thank you.

8                   CHAIRMAN CAMPSSEN: Please raise your  
9 right hand.

10                   (The candidate is sworn in.)

11                   CHAIRMAN CAMPSSEN: Have you had an  
12 opportunity to review your personal data  
13 questionnaire and sworn statement?

14                   MR. PRICE: Yes, sir.

15                   CHAIRMAN CAMPSSEN: Are they correct?

16                   MR. PRICE: There is one matter that I  
17 need to correct that was brought to my  
18 attention by Dustin. I believe that's  
19 question number 35, it could be question  
20 number 34 about if I have ever been a  
21 defendant in a civil action.

22                   CHAIRMAN CAMPSSEN: Okay. Have you made  
23 that correction? Do you have it written?

24                   MR. PRICE: I'm going to make it orally.

25                   CHAIRMAN CAMPSSEN: Okay.

1 MR. PRICE: Dustin told me the oral would  
2 be fine.

3 CHAIRMAN CAMPSER: Okay.

4 MR. PRICE: There are three cases and in  
5 those cases I'm going to give you the -- the  
6 site. One is Case No. 2013-CP-36-617, which  
7 is Equity Trust Company versus Mary E. Henry  
8 Holmes, et al. This was an action to quiet a  
9 title and I had represented the defendant --  
10 personal representative in an estate. The --  
11 there was several pieces of real estate in  
12 that estate. One of them got sold for taxes.  
13 I had gotten out of the estate and left a bill  
14 in the estate file for \$1,518.26. So when the  
15 quiet title action was bought by the purchaser  
16 at the tax sale, I was named as a defendant.

17 Second one was Case 2011-CP-36-234, which  
18 is Open Mill Development Corporations  
19 versus Steven H. Rushing and others. That too  
20 was an action to quiet title. I represented  
21 Steven Rushing, he was personal  
22 representative in his mother's estate. There  
23 were 30 pieces of real estate in that estate.  
24 There was an 80 acre tract in Florida that we  
25 needed to deal with and he couldn't come up

1 with the money necessary to associate a lawyer  
2 in Florida. So I asked to be relieved,  
3 submitted a bill of \$4,323.50. So when  
4 property was sold for taxes the second time I  
5 was named as a -- a defendant.

6 And the final one was a 2001 case, 2001-  
7 CP-36-435, Associate Home Equity versus and L.  
8 P. Miller, IV, and me. I had earlier gotten a  
9 judgment against Mr. Miller for \$1,550.00. He  
10 had borrowed money before that time from  
11 Associate Home Equity, it was a mere  
12 foreclosure. And -- and I will tell you that  
13 one reason I didn't mention those is because I  
14 had forgotten all about them. Had Dustin not  
15 brought them to my attention and I didn't pull  
16 the cases and looked at them, I would never  
17 had thought about it.

18 And -- and the best illustration I can  
19 give is if you have an adult child that is  
20 getting ready to buy a house and they borrow  
21 money from the bank, and before the closing  
22 they come up and say, you know, we need an  
23 extra 10 or 15 or \$20,000 for the down payment  
24 or to fix up the house, you get them to sign a  
25 note and mortgage. You record your mortgage

1 after the bank's mortgage.

2           Soon there is trouble in paradise,  
3 whether it's a layoff or an illness or some  
4 other problem that causes your son or daughter  
5 to be behind on their payments, by the time  
6 the foreclosure goes down you're -- you know  
7 you're going to lose whatever money you have.  
8 It's a matter of you've already worked through  
9 that in your mind. And when asked if I've  
10 ever been the defendant, I think in terms of  
11 if somebody is suing me for malpractice if I  
12 cross the center line running someone --  
13 that's what I think of in terms of have I ever  
14 been the defendant.

15           These sort of things once -- I mean,  
16 obviously I get served, but typically don't  
17 answer them because I know there is no money  
18 to be had.

19           CHAIRMAN CAMPSER: Okay. Thank you.  
20 Let's see where are we. Okay. So your  
21 documents and that will now be submitted into  
22 the transcript at this point in time, your  
23 personal data questionnaire.

24           [EXHIBIT 17, JUDICIAL MERIT SELECTION  
25 COMMISSION PERSONAL DATA QUESTIONNAIRE FOR

1 SAMUEL M. PRICE, ADMITTED.]

2 [EXHIBIT 18, SWORN STATEMENT FOR SAMUEL  
3 M. PRICE, ADMITTED.]

4 CHAIRMAN CAMPSSEN: Okay. Mr. Price, the  
5 Judicial Merit Selection Commission has  
6 thoroughly investigated your qualification for  
7 the bench. Our inquiry is focused on nine  
8 evaluative criteria and has included a ballot  
9 box survey, thorough study of you application  
10 materials, verification of your compliance  
11 with state ethics laws, search of newspaper  
12 articles in which you name appears, study of  
13 previous screenings, check for economic  
14 conflicts of interest. We have received no  
15 affidavits filed in opposition to your  
16 election. No witnesses are present to  
17 testify.

18 Do you have a brief opening statement you  
19 would like to make at this time?

20 MR. PRICE: Well, I think the -- there  
21 are two things that the Commission will --  
22 will have to address. One is my age, that I  
23 can't do anything about. I am 67 years old,  
24 turned 67 on November the 6th. That means I  
25 will not be able to serve a full six year term

1 before I am 72, but I would point out that it  
2 is not unprecedented. Judge Rucker, whose  
3 position we are interested in, was elected the  
4 last time and this -- his term started July  
5 1st, 2016, he turned 72 on October 22nd of  
6 this year. So it is not unprecedented to  
7 elect a judge who can't serve the full six  
8 years.

9 The other thing of concern of mine  
10 is when I was notified what I scored on the  
11 test, I was stunned. I -- I was a -- I have  
12 typically been in the top third of my high  
13 school class, my college class, my law school  
14 class. I went through the process about four  
15 years ago and I forget what I scored, but it  
16 was somewhere between 85 and 88. And I just  
17 want to point out to the Commission that that  
18 is not indicative of my academic or  
19 intellectual performance. I don't know what  
20 happened that day.

21 CHAIRMAN CAMPSER: Okay. Thank you.  
22 Please answer counsel's questions, Mr. Price.

23 MR. PRICE: Sure.

24 EXAMINATION

25 (By. Mr. Stimson)

1 **Q. Mr. Price, please state for the record the city and**  
2 **circuit in which you reside?**

3 A. I reside in Newberry and also the 8th Judicial  
4 Circuit.

5 MR. STIMSON: I note for the record that  
6 based on the testimony contained in the  
7 candidate's PDQ which has been included in the  
8 record with the candidate's consent, Mr.  
9 Price meets the constitutional and/or  
10 statutory requirements for this position  
11 regarding age, residence, and years of  
12 practice.

13 **Q. Mr. Price, why do you now want to serve as a Family**  
14 **Court Judge and how do you feel your legal and**  
15 **professional experience thus far will assist you to**  
16 **be an effective judge?**

17 A. I have been practicing law since December of 1974.  
18 Most all that time I've been a sole practitioner.  
19 I've done a variety of type of work. I think the  
20 last time I filled out the application for  
21 malpractice insurance it was something like my  
22 domestic work is maybe 17 percent of my fees, but  
23 40 percent of my time. I think that because of my  
24 experience, my involvement in civic affairs, my  
25 experience in Family Court, and knowledge as to not

1           only the law, but people in general, that I have  
2           the experience to be a good, if not excellent,  
3           Family Court Judge.

4           **Q. Thank you, sir. Mr. Price, are there any areas of**  
5           **the law for which you would need additional**  
6           **preparation in order to serve as a Family Court**  
7           **Judge and how would you handle that additional**  
8           **preparation?**

9           A. I think that based on my experience and the routine  
10          way I read cases and read the matters that -- when  
11          the rules are adjusted and such, you know, I think  
12          that would be the additional that I would need and  
13          I don't see that I would need to go off to a school  
14          or to a seminar for training.

15          **Q. Mr. Price, what do you perceive as the cause of the**  
16          **backlog of cases on the Family Court docket and**  
17          **what do you believe individual Family Court Judges**  
18          **can do to improve the backlog?**

19          A. Well, I think the backlog is based on society. We  
20          -- we've come into a time in -- in our history that  
21          everybody thinks that their way is the right way.  
22          People don't like to compromise. Now my experience  
23          over the last several years when, you know, we've  
24          introduced mediation, I think that has very much  
25          helped that problem because so often people just

1 want to be heard, they want to make sure somebody  
2 is listening to their complaints. And I think the  
3 mediation helps that process plus it makes them --  
4 it forces them to understand that if they go to  
5 court they may not get anywhere near what they  
6 think they're going to get in spite of what the  
7 advice of their lawyers have been.

8 But in a mediation all of a sudden that  
9 becomes different. It's -- it's real to them. So  
10 I see the mediation has done a lot of good things  
11 for that backlog.

12 **Q. Mr. Price, please briefly describe your experience**  
13 **in handling complex contested family court matters**  
14 **and specifically discuss your experience with**  
15 **financial aspects of family court work.**

16 A. Well, when someone comes into your office in a  
17 domestic case and you go over the details of their  
18 facts and their finances, you begin to get an idea  
19 if this is a -- going to be a complicated case.

20 In terms of how we handle that, you know, we  
21 sort of -- after we get that initial information,  
22 we schedule a second appointment where I've had  
23 time to review those matters and think about them  
24 and discuss with the client, you know, what is a  
25 reasonable projection as to what this thing's going

1 to cost him or what it's going to cost her. And  
2 then, you know, we -- we plan from there.

3 I have handled some complex cases, but the  
4 truth of the matter is in my -- in my practice, in  
5 my community, we don't have a whole lot of people  
6 that have a whole lot of money, you know.

7 So probably in my career I've handled a dozen,  
8 you know, financially complex cases, but most of my  
9 cases are not of that nature.

10 **Q. Mr. Price, what role can judges play in improving**  
11 **outcomes for youth involved in the juvenile justice**  
12 **system?**

13 A. The judge controls the atmosphere of the courtroom.  
14 And the judge can make sure that Department of  
15 Social Services, Guardian Ad Litem, try to project  
16 to parents and children that the law can be stern,  
17 but the law can also be compassionate. And it is  
18 important that a judge projects that, that DSS  
19 understands that they have a incredibly important  
20 process -- and also be encouraging to that -- to  
21 that department because the burnout in DSS is just  
22 unbelievable.

23 **Q. Mr. Price, the Commission received 119 ballot box**  
24 **surveys regarding you, with eight additional**  
25 **comments. The ballot box survey has included**

1 positive comments such as, "Sam was an effective  
2 advocate for his client. Mr. Price is an example  
3 of how lawyers should conduct themselves. And Sam  
4 Price is an excellent lawyer in person. He would  
5 make an outstanding Family Court Judge."

6 Five of the written comments express concern.  
7 Three comments indicated that you lack the  
8 experience necessary to sit on the Family Court  
9 bench because that is not part of your practice in  
10 a large amount.

11 What response would you offer this concern?

12 A. I would like to know what they think a large amount  
13 is. We -- like I said earlier, probably 15 to 17  
14 percent of my income comes from domestic work, but  
15 40 percent of my time goes there. And part of that  
16 has to do with -- in a small town practice it's  
17 easier early in your career just to get into  
18 helping people. And, you know, if they pay you on  
19 the back-end, that's wonderful. And if they don't  
20 pay you all they owe you, don't hold grudges. In  
21 terms of -- I would -- I would submit that I  
22 certainly have adequate Family Court experience.

23 Q. Mr. Price, two comments express concern regarding  
24 your age and inability to serve a full term on the  
25 court bench -- on the Family Court bench. What

1           **response would you offer this concern?**

2       A.   Well, as I've indicated in my opening remarks, I  
3           can't change my age.  But if -- if elected I can  
4           certainly serve a full four and half years and as  
5           indicated Judge Rucker was recently reelected and  
6           he could only serve six months.  So there is  
7           precedent for that.

8       **Q.   Mr. Price, one comment expressed concern about an**  
9           **event in your past bringing this individual to**  
10          **question your mental health during that time**  
11          **period.**

12                   **What response would you offer to this concern?**

13       A.   Well, I'm sure the concern is an event that  
14           happened in the summer of 1984.  And let me get to  
15           my notes.  We had a lady who moved into our  
16           neighborhood by the name of Susie Chowlz, sir.  As  
17           a background, my wife and I have been married since  
18           December of 1970.  She taught my way through law  
19           school and the first several years of law practice  
20           she taught English and Spanish at the local high  
21           school in Newberry.  She was very much an  
22           aggressive, independent, working lady.

23                   And then we started having children.  We had a  
24           child in 1979, had another child in 1981, had  
25           another child in 1983, and she went from a teacher

1 to a stay-at-home mom.

2 During that time, I was a sole practitioner.  
3 We had the normal stresses of young children, you  
4 know, that you have in marriages. A sole practice  
5 is -- is rags to riches, sometimes you have plenty  
6 of money and you can payoff your line of credit.  
7 Sometimes you don't have any money and you borrow  
8 against your line of credit.

9 But at any rate this lady who moved into our  
10 neighborhood and started attending our church with  
11 her family. Basically my wife and I sort of  
12 invited her into our home and our lives and she  
13 proved to be unstable and she basically kind of  
14 emotionally overwhelmed us. And we went through  
15 about a three day period where we fell apart as  
16 individuals.

17 And then after that three day period, my wife  
18 and I realized this wasn't working out for us so we  
19 excused Susie Chowlz, told her to move on. We had  
20 hurt some of our family members and our neighbors  
21 and friends and comments we made to them. We  
22 apologized to them. We got -- went and got  
23 counseling for about two months. And that was the  
24 end of that.

25 **Q. Thank you, Mr. Price.**

1 MR. STIMSON: Mr. Chairman, I'd ask that  
2 we now move into executive session for further  
3 questioning.

4 CHAIRMAN CAMPSSEN: Do we have a motion  
5 for executive session from a member?

6 SENATOR HEMBREE: So moved.

7 MR. SAFRAN: Second.

8 CHAIRMAN CAMPSSEN: We have a motion from  
9 Senator Hembree. We have a second. Any  
10 discussion?

11 (No response.)

12 CHAIRMAN CAMPSSEN: No discussion. We'll  
13 move immediately to a vote. All in favor  
14 indicate by saying aye.

15 BOARD MEMBERS: "Aye."

16 CHAIRMAN CAMPSSEN: Opposed?

17 (No response.)

18 CHAIRMAN CAMPSSEN: The ayes have it.  
19 Okay. We're now in executive session.

20 (Off-the-record executive session.)

21 CHAIRMAN CAMPSSEN: Okay. We're back on  
22 the record. No votes were taken. Okay.

23 MR. STIMSON: Thank you, Mr. Price.

24 CHAIRMAN CAMPSSEN: Any other questions of  
25 counsel?

1 MR. STIMSON: Well, we just have a few  
2 housekeeping issues for you now, Mr. Price.

3 (By Mr. Stimson)

4 Q. Since submitting your letter of intent have you  
5 sought or received a pledge of any legislator  
6 either prior to this date or pending the outcome of  
7 your screening?

8 A. No, sir.

9 Q. Have you asked any third parties to contact members  
10 of the General Assembly on your behalf or are you  
11 aware of anyone attempting to intervene in the  
12 process on your behalf?

13 A. I have not asked anyone, nor am I aware of anyone  
14 that has contacted any members of the General  
15 Assembly on my behalf.

16 Q. Since submitting your letter of intent to run for  
17 this seat, have you contacted any members of the  
18 Commission about your candidacy?

19 A. No, sir.

20 Q. Do you understand that you are prohibited from  
21 seeking a pledge or commitment directly or  
22 indirectly until 48 hours after the formal release  
23 of the Commission's report and are you aware of the  
24 penalties for violating the pledging rules?

25 A. Yes, I am aware that until January 17, I can make

1 no such contact with anyone and I am -- I have read  
2 what the statutory penalties are.

3 MR. STIMSON: I would note that the  
4 Piedmont Citizens Committee found Mr. Price  
5 qualified in the evaluative criteria of  
6 constitutional qualifications, ethical  
7 fitness, physical health, and mental  
8 stability. The Committee found him well  
9 qualified in the evaluative criteria of  
10 professional and academic ability, character,  
11 reputation, experience, and judicial  
12 temperament.

13 The Committee stated in summary, Mr.  
14 Price has a wide range of experience in family  
15 court matters. He well appreciates the  
16 sensitive dynamics of that court and will  
17 bring insight and compassion to the job. He  
18 has a strong reputation among his peers and a  
19 balanced temperament well suited for the role.

20 I would just note for the record that any  
21 concerns raised during the investigation  
22 regarding the candidate were incorporated into  
23 the questioning of the candidate today.

24 Mr. Chairman, I have no further  
25 questions.

1                   CHAIRMAN CAMPSSEN: Thank you. Any  
2 questions from Committee members?

3                   (No response.)

4                   CHAIRMAN CAMPSSEN: Okay. There being  
5 none, Mr. Price, thank you for being with us  
6 today. That concludes this portion of our  
7 screening process. As you know, the record  
8 will remain open until the formal release of  
9 the report of qualifications and you may be  
10 called back at such time if the need arises.  
11 I thank you for offering and I thank you for  
12 your service and your offering to serve South  
13 Carolina.

14                  MR. PRICE: Mr. Chairman, if I may make  
15 just one other comment.

16                  CHAIRMAN CAMPSSEN: Yes, sir.

17                  MR. PRICE: This is my second time going  
18 through the process. The first time, you  
19 know, you -- you kind of stumble through the  
20 process. But the second time you get -- have  
21 a greater grasp of how tough a job this is to  
22 do for the Commission.

23                  And I know that y'all do a very good job,  
24 it's incredibly time consuming for you and all  
25 the various panels that you go through. But

1           it is such a better way to find competent  
2           judges than popular elections. I don't know  
3           how those other states do it, but I too thank  
4           you for your service and -- and it's just a  
5           wonderful thing to keep public elections out  
6           of the judiciary, but thank you.

7           CHAIRMAN CAMPSSEN: Thank you.

8           (Candidate excused.)

9           CHAIRMAN CAMPSSEN: Do I have a motion to  
10          go into executive session?

11          MR. HITCHCOCK: So moved.

12          MR. BANNISTER: Second.

13          CHAIRMAN CAMPSSEN: We have a motion and  
14          Representative Bannister enthusiastically  
15          seconds. Do we have a discussion?

16          (No response.)

17          CHAIRMAN CAMPSSEN: No discussion. We  
18          will move immediately to a vote. All in favor  
19          indicate by saying aye.

20          BOARD MEMBERS: "Aye."

21          CHAIRMAN CAMPSSEN: Opposed?

22          (No response.)

23          CHAIRMAN CAMPSSEN: The ayes have it.  
24          Okay. We are in executive session.

25          (Off-the-record executive session.)

1                   CHAIRMAN CAMPSEN: No votes were taken.  
2                   No decisions made. Back on the record. And  
3                   now we move to a vote. And Ms. Brogdon if you  
4                   want to give instructions of where the ballots  
5                   are and how we are going to vote.

6                   REPRESENTATIVE BANNISTER: Mr. Chairman.

7                   CHAIRMAN CAMPSEN: Representative  
8                   Bannister.

9                   REPRESENTATIVE BANNISTER: Since there  
10                  are only two candidates, I would move that we  
11                  find them both qualified and nominated,  
12                  elected by accumulation.

13                 CHAIRMAN CAMPSEN: We have a motion  
14                 because there are two candidates to find both  
15                 of them qualified and nominated by  
16                 accumulation.

17                 REPRESENTATIVE SMITH: He wants to elect  
18                 them by accumulation.

19                 CHAIRMAN CAMPSEN: Elected by --

20                 REPRESENTATIVE SMITH: I think the  
21                 General Assembly has to that.

22                 REPRESENTATIVE BANNISTER: Nominated.

23                 CHAIRMAN CAMPSEN: So a motion for  
24                 qualified and nominated both candidates.

25                 MR. HITCHCOCK: Second.

1                   CHAIRMAN CAMPSSEN: A second by Mr.  
2 Hitchcock. Any discussion?

3                   (No response.)

4                   CHAIRMAN CAMPSSEN: There being no  
5 discussion we will move immediately to a vote.  
6 All in favor indicate by raising your hand.

7                   (Board members vote.)

8                   CHAIRMAN CAMPSSEN: All opposed.

9                   (No response.)

10                  CHAIRMAN CAMPSSEN: Okay. That is  
11 unanimous. You need to fill out your ballot.  
12 Do we have a motion from Mr. Hitchcock to go  
13 into executive session?

14                  MR. HITCHCOCK: Yes, sir.

15                  CHAIRMAN CAMPSSEN: Do we have a second?

16                  REPRESENTATIVE SMITH: Second.

17                  CHAIRMAN CAMPSSEN: All those in favor  
18 indicate by saying aye.

19                  BOARD MEMBERS: "Aye."

20                  CHAIRMAN CAMPSSEN: Opposed?

21                  (No response.)

22                  CHAIRMAN CAMPSSEN: The ayes have it. We  
23 are now in executive session.

24                  (Off-the-record executive session.)

25                  CHAIRMAN CAMPSSEN: We have come out of

1 executive session. No votes were taken. No  
2 decisions made. Judge Anderson, thank  
3 you for appearing before the Commission again.  
4 Ms. Brogdon is going to ask you some questions  
5 regarding an event, a Democratic Caucus event  
6 that allegedly or supposedly you attended on  
7 November the 17th -- Thursday, November 17th.  
8 So if you could please answer her questions.

9 JUDGE ANDERSON: Yes, sir.

10 EXAMINATION

11 (By Ms. Brogdon)

12 **Q. Good evening, Judge Anderson.**

13 A. Good evening.

14 CHAIRMAN CAMPSER: Judge Anderson,  
15 just reminding you that you are still  
16 under oath from the previous oath.

17 JUDGE ANDERSON: Yes, sir.

18 (By Ms. Brogdon)

19 **Q. Judge Anderson, because of the concern that your**  
20 **attendance at the reception may form the basis for**  
21 **violation of the South Carolina Code of Judicial**  
22 **Conduct, have you or do you wish to consult with**  
23 **counsel or do you have counsel present?**

24 A. Well, I have consulted with counsel about this.  
25 Two of the people I have consulted with are

1 present, but they are not representing me. They  
2 are just here to observe.

3 **Q. Thank you, Judge Anderson. You have in front of**  
4 **you an invitation to the South Carolina Senate**  
5 **Democratic Caucus Fall/End of the Year Members**  
6 **Reception. It was held on Thursday, November 17th,**  
7 **2016, from 5:30 to 7:30 at Defender Industries. Is**  
8 **that invitation to the event that you attended?**

9 A. I wouldn't know. I've never seen the invitation.

10 **Q. Okay.**

11 MS. BROGDON: I would like to enter the  
12 invitation as an exhibit.

13 [EXHIBIT NO. 19, DEMOCRATIC CAUCUS  
14 MEMBERS RECEPTION INVITATION.]

15 **Q. Judge Anderson, could you explain to the Commission**  
16 **the circumstances surrounding your attendance at**  
17 **the event on Thursday, November 17th?**

18 A. If I could start by just thanking y'all for the  
19 opportunity to speak to you and I will tell you  
20 that in hindsight my actions in visiting Senator  
21 Jackson while attending the Caucus -- I am sorry  
22 for the concern that I have caused this Committee.  
23 I apologize to you. As far as the factual  
24 background, I called Antjuan Seawright, who is the  
25 individual I always call to get in touch with

1 Senator Jackson. I told him I just wanted to meet  
2 with Senator Jackson about my candidacy.

3 He told me to come out to the Democratic  
4 Caucus Reception at Defender Industries. When he  
5 told me that it was at Defender Industries, I  
6 called Nicky McCarter who owns Defender Industries  
7 and confirmed or asked him if I could come. He  
8 says I could definitely come. I asked him if it  
9 was a fundraiser just to be sure. He said it  
10 wasn't. And even before attending, I also  
11 confirmed through Annie Wilson. She also confirmed  
12 that wasn't a fundraiser.

13 I am very familiar with the rules and I wanted  
14 to make sure I didn't violate the rules. I went  
15 out to the event to speak to Senator Jackson.  
16 Antjuan told me that is what I should do. Again, I  
17 was there less than 15 minutes. I worked my way  
18 through the room and I spoke to people. I pretty  
19 well knew everybody in the room. A few Senators,  
20 but mostly lobbyists. I worked my way to Senator  
21 Jackson speaking to some people and spoke to him.  
22 And then worked my way back out. I didn't eat or  
23 drink anything.

24 I didn't talk to anybody about anything  
25 political at all. And got this invitation in front

1 of me -- I didn't purchase anything. I wasn't even  
2 told that it was anything involving tickets.  
3 Antjuan just told me that is what I should do to  
4 meet Senator Jackson. And Nicky McCarter, owner of  
5 the place, told me it was fine.

6 But I understand that my actions have caused  
7 concern for the Committee. And again, I sincerely  
8 apologize. I've never had trouble like this in  
9 all my years of being a judge. I was the counsel  
10 for the Ethics Commission. This is the last thing  
11 I would like -- I would want to do is be in front  
12 of y'all concerning ethical concerns.

13 MS. BROGDON: Mr. Chairman, I don't have  
14 any further questions.

15 CHAIRMAN CAMPSER: Okay. Any questions  
16 by Commission Members. Mr. Hitchcock.

17 EXAMINATION

18 (By Mr. Hitchcock)

19 **Q. Judge Anderson, you are familiar with the Judicial**  
20 **Canons, right?**

21 A. Yes, sir.

22 **Q. And you're familiar with Canon 5 which talks about**  
23 **-- or which prohibits judges and judicial**  
24 **candidates -- that says they shall refrain from**  
25 **inappropriate political activity, right?**

1 A. Yes, sir.

2 Q. And part of one of the Canon A (1) and I believe it  
3 is subsection (d) says that a judge or a candidate  
4 for election or appointment shall not attend a  
5 political gathering.

6 A. Yes, sir.

7 Q. That's what it says, right?

8 A. Yes, sir.

9 Q. It doesn't say that they won't attend a fundraiser.  
10 It says that they won't attend a political  
11 gathering.

12 A. That's correct.

13 Q. And as you indicated it was your understanding that  
14 this was the Democratic Caucus Reception.

15 A. Yes, sir.

16 Q. Can you explain to me why you would think that  
17 that's not a political gathering that would be  
18 prohibited by the Judicial Canons for you to  
19 attend?

20 A. Well, I don't want -- I'm here to apologize. But  
21 if you ask what I understood at the time, I attend  
22 Democratic Caucus meetings at the House and the  
23 Senate on a regular basis and so do all the other  
24 judicial candidates. Those are called Caucus  
25 meetings, more narrowly defined than are

1       receptions, a meeting for which there is a specific  
2       purpose. Whereas a reception is a social  
3       gathering. And I also attend receptions. We are  
4       not specifically invited, judicial candidates. At  
5       the time, I perceived as Democratic Caucus  
6       Reception. I was aware of no political angle to  
7       it. A reception is a social gathering. If there  
8       was concern about me attending it, I misconstrued.

9       **Q. Well, by its very nature it's called the Democratic**  
10       **Caucus Reception. So by virtue of what it's called**  
11       **give you some concern that it is a political event.**  
12       **It's not a -- I don't think it would necessarily**  
13       **matter if it was a Democratic or Republican, the**  
14       **fact that it's the Democratic Caucus Reception**  
15       **shows -- it seems to me that it would demonstrate**  
16       **that there is a partisan, a politically partisan**  
17       **element to it. So my concern is that you not**  
18       **recognizing that without not giving you red flags**  
19       **as to why or sending up red flags as to why you**  
20       **shouldn't attend.**

21       **A. Well, as I said it is called a Democratic Caucus**  
22       **meeting that we attend in the mornings at the**  
23       **House. It is a similar phraseology. And a**  
24       **political event was not a reception it was -- I'm**  
25       **looking for the definition of a political**

1 organization which I'm familiar with that  
2 definition. It referred to a political party or  
3 group which exists to further the candidacy -- the  
4 appointment or election of a candidate to a  
5 political office.

6 **Q. And you don't think that one of the Houses in the**  
7 **General Assembly that their Caucuses are political**  
8 **organizations, I mean, their activities are**  
9 **regulated by the campaign finance laws. There is**  
10 **limits on the amounts that can be contributed to**  
11 **them, there is amounts that -- that they can**  
12 **contribute to other candidates within their Caucus,**  
13 **I mean, so --**

14 **A. In hindsight, I wouldn't have gone to this. You**  
15 **know, I wish I hadn't. And I apologize. The same**  
16 **concepts that you give for this particular**  
17 **Democratic Caucus Reception applies to other Caucus**  
18 **events. The receptions that we go to at night are**  
19 **put on by special interest groups.**

20 **Q. But that's not prohibited by Judicial Canons. It**  
21 **says political gatherings. During the legislative**  
22 **session, if you were a judicial candidate, would**  
23 **you think it would be permissible to attend a**  
24 **Republican Party reception or a Democratic Caucus**  
25 **reception that would be held at the Palmetto Club**

1           **or various other places in town where they have**  
2           **those receptions?**

3           A. I wouldn't now, but I think a proper way of  
4           analyzing any of this is determining the purpose of  
5           the meeting and the purpose is to promote a  
6           political agenda that judges shouldn't attend.

7           **Q. You said you talked to people when you where there.**  
8           **What did you talk to them about?**

9           A. It was "hello" and "how are you doing."

10          **Q. Did you talk to anyone about candidacy?**

11          A. The only person I talked to about my candidacy was  
12          Senator Jackson. The Senator from Orangeburg, I  
13          might have talked to him about that I was  
14          nominated. With Senator Jackson, I didn't talk in  
15          depth about my candidacy. I let him know that I  
16          had been nominated. I'm from Richland County. And  
17          if he had any questions that I would be glad to  
18          talk to him about it. He told me he would let me  
19          know.

20          **Q. And before you went, the people that you talked to**  
21          **about whether or not you could go was the -- I**  
22          **can't remember the gentleman's name, the person who**  
23          **owns Defender Corporation.**

24          A. Nicky McCarter.

25          **Q. Okay. And Annie Wilson who is a lobbyist.**

1 A. Annie I -- Jana Shealy was going to talk to Annie.  
2 And so she had asked Annie for me if it was a  
3 fundraiser. And Annie told her no and she relayed  
4 that back to me.

5 MR. HITCHCOCK: I have nothing further at  
6 this time.

7 CHAIRMAN CAMPSER: Thank you.  
8 Representative Rutherford.

9 REP. RUTHERFORD: Thank you, Mr.  
10 Chairman.

11 EXAMINATION

12 (By Rep. Rutherford)

13 Q. Judge, did you call staff? Who was your staff  
14 lawyer?

15 A. Ms. Brogdon.

16 Q. Did you call Ms. Brogdon and asked whether it was  
17 okay to attend the event since you called Nicky  
18 McCarter and Annie?

19 A. No, sir.

20 Q. Because you have been a judge for 20 years, you  
21 said this has never happened before and you have  
22 come to Democratic and Republican Caucus meetings  
23 but you -- have you ever been to a Democratic or  
24 Republican Caucus retreat?

25 A. No, sir.

1       **Q. So because this was an unusual event in your 20**  
2       **years, if you've never been, did it occur to you to**  
3       **call Ms. Brogdon -- when did you know that you were**  
4       **going? Was it he called you last minute and said**  
5       **to come, is that --**

6       A. I called him up and he recommended that I come -- I  
7       really wasn't going to do it. I called him up the  
8       day of and asked him about it again. He said that  
9       would be fine.

10      **Q. So how far in advance did you talk to him when he**  
11      **said you need to come to this event?**

12      A. I don't remember specifically. I think it was  
13      about two or three days. It was long enough in  
14      advance to have called Ms. Brogdon, if I thought I  
15      should have. When you say "attended the event" my  
16      purpose was simply to go out there and speak to  
17      Senator Jackson. Attending the event, I was there  
18      but I didn't stay there very long at all. I  
19      fulfilled what I -- the purpose for which I went.  
20      Because I go to many receptions and I stay there  
21      for a lot longer than 15 minutes.

22      **Q. And Antjuan Seawright, you know him in what**  
23      **capacity?**

24      A. As Senator Jackson's right-hand man.

25      **Q. Do you know that he is also the political director**

1           **for the Senate Democratic Caucus?**

2           A. No, sir.

3           **Q. Do you know how to reach Senator Jackson on his**  
4           **cell phone?**

5           A. If I had it, I would, but I don't have it.

6                         REP. RUTHERFORD: No further questions.

7                         CHAIRMAN CAMPSSEN: Representative  
8           Bannister.

9                         REP. BANNISTER: Thank you, Mr. Chairman.

10                                 EXAMINATION

11           (By Rep. Bannister)

12           **Q. Judge, did you know at the time that you were going**  
13           **out to the event that it was not open to the**  
14           **public?**

15           A. No, sir. I don't even know that to this day.  
16           Annie, I understand from her she wasn't there for  
17           any Caucus or anything like that; she just  
18           attended. No, I did not know that.

19           **Q. Okay.**

20                         CHAIRMAN CAMPSSEN: Mr. Hitchcock.

21                                 FURTHER EXAMINATION

22           (By Mr. Hitchcock)

23           **Q. Judge Anderson, what is your understanding of why**  
24           **judges are prohibiting from going to political**  
25           **gatherings?**

1 A. To avoid the perception that they are taking a  
2 political view regarding one side or the other.

3 **Q. So it's to protect the perception of the**  
4 **impartiality and independence of the judiciary,**  
5 **right?**

6 A. Yes, I would agree with that.

7 **Q. So it is really whether you attend or not, not**  
8 **necessarily how long you attend or why you are**  
9 **there because it is the appearance, isn't it? That**  
10 **the Canon is trying to protect against, not -- it**  
11 **doesn't necessarily matter how long you are there,**  
12 **it's prohibiting your presence and the perception**  
13 **that that causes in the greater public, right?**

14 A. I think I would agree with that by in large, yes.

15 **Q. Well, you --**

16 A. When you say "the perception" everything that I  
17 observed when I went there -- the event had all the  
18 trappings of any other social reception. So -- and  
19 the people I saw there all knew me. I don't think  
20 any of them would have thought that I was there for  
21 anything other than going to meet this Senator. I  
22 don't think they would have perceived, but I am to  
23 avoid the appearance. I agree with you on that.

24 **Q. Well, certainly you didn't tell everybody that was**  
25 **in attendance that that's why you were there, that**

1           **that's the only reason you were there?**

2           A. No, I didn't.

3                       MR. HITCHCOCK: No further questions.

4                       CHAIRMAN CAMPSER: Mr. Safran.

5                       MR. SAFRAN: Thank you, Mr. Chairman.

6                                       EXAMINATION

7           (By Mr. Safran)

8           **Q. Let me make sure I understand a few things. One,**  
9                       **is the invitation in front of you, is something at**  
10                      **least until now you weren't aware of.**

11           A. Absolutely, not.

12           **Q. You didn't receive it? You didn't solicit it,**  
13                      **correct?**

14           A. Correct.

15           **Q. All right. And I think basically you were trying**  
16                      **to somehow connect with Senator Jackson before you**  
17                      **actually went out there that day?**

18           A. Yes.

19           **Q. And this was something that you more or less had**  
20                      **been speaking with Mr. Seawright about?**

21           A. Well, I called him just one time.

22           **Q. Okay. Well, that's --**

23           A. Well, I called him again to make sure when the  
24                      reception began.

25           **Q. Well, I guess my question is, at least you**

1 identified Mr. Seawright as somebody that at least  
2 from somehow your experience was the person that  
3 you needed to talk to in order to somehow meet with  
4 Senator Jackson?

5 A. Correct.

6 Q. All right. And is that from prior experience, I  
7 guess, maybe in the past when you go --

8 A. Yes, sir.

9 Q. All right. Let me ask you also as far as this  
10 purpose, was he the one that suggested that you  
11 come out there?

12 A. Absolutely.

13 Q. You didn't ask -- you weren't inviting yourself  
14 basically?

15 A. I wasn't my idea at all.

16 Q. And ultimately you at least went to some precaution  
17 to try and make sure at least in your mind that  
18 this was not something that you shouldn't do at  
19 least by contacting to find out, I think, from your  
20 standpoint you were looking kind of the linchpin  
21 was whether or not you had to -- there was some  
22 fundraising aspect of it?

23 A. Correct.

24 Q. And you were assured that wasn't the case?

25 A. Yes, sir.

1 Q. All right. So basically, when you got out there,  
2 from what I'm hearing, you went directly to Senator  
3 Jackson to do whatever Mr. Seawright would have  
4 setting up for you?

5 A. Well, I can't say directly because he was on the  
6 other side of the room.

7 Q. Well, when I say directly, that's where you were  
8 headed to.

9 A. I worked my way around the room, got to him, spoke  
10 to a few people on the way out, and left.

11 Q. More or less spoke to him very benignly from what  
12 I'm hearing.

13 A. Yes, sir.

14 Q. And then you left.

15 A. Yes, sir.

16 Q. And until you heard something later, was there any  
17 concern in your mind about you having kind of  
18 broached or actually maybe gone to some level that  
19 you weren't suppose to?

20 A. Until then, no.

21 Q. Okay. You mentioned earlier that you have been to  
22 a number of different Caucus events; is that fair?

23 A. Yes, sir.

24 Q. And I think you mentioned in these situations when  
25 you're dealing with a Caucus you're dealing with a

1           **group of politicians who happen to all be of the**  
2           **same persuasion?**

3           A. Everything that we go to as judicial candidates is  
4           to meet politicians.

5           **Q. Right.**

6           A. So in some form or another. So you say "political  
7           gathering" everything we go to is in a political  
8           arena somehow or another.

9           **Q. And I guess you mentioned earlier that at least in**  
10           **your mind this was somehow akin to when you go to**  
11           **say the House Caucus meetings that they have?**

12           A. Correct.

13           **Q. Or I am assuming you have been to Republican Caucus**  
14           **meetings, also?**

15           A. Yes, sir.

16           **Q. You have been to receptions, also?**

17           A. Yes, sir.

18           **Q. And again, those are un-invited trips to**  
19           **receptions, correct?**

20           A. Correct.

21           **Q. And they are un-invited trips to the Caucus**  
22           **meetings?**

23           A. Well, the -- they are open to the public.

24           **Q. Open. All right. And I think you were asked a**  
25           **question earlier, did you have any idea whether or**

1 not this function was open to the public or not  
2 open to the public? Was there any indication going  
3 in that this was not something that people from the  
4 public were able to come to?

5 A. I didn't know one way or the other on that.

6 Antjuan told me to go to it and just to make sure I  
7 didn't barge in to something I wasn't suppose to,  
8 that's why I called Nicky. I asked Nicky if it was  
9 okay that I attended.

10 Q. Now, I think you have actually answered some  
11 questions that more or less indicate that certainly  
12 if you look at this thing in terms of the Canon,  
13 that you can see that this is something that  
14 frankly you shouldn't do? You understand that?

15 A. I wish I hadn't gone.

16 Q. All right.

17 A. I talked to a professor at law school who indicated  
18 that from a Canon standpoint, he didn't think it  
19 was a violation. I certainly -- my perspective on  
20 this is at the time I didn't know. When I say,  
21 talked to two different attorneys that practice law  
22 in this area, told me they didn't believe it was a  
23 violation. It doesn't matter what I believe, it  
24 matters that y'all are concerned that it's a  
25 violation then that's the issue.

1 Q. All right. And I guess we all understand about the  
2 whole story of hindsight. But I guess my point is  
3 when you went out there, from what I'm hearing from  
4 you, there was no indication in your mind that you  
5 were violating anything, but now in reflection you  
6 do recognize that it's not something you would want  
7 to do again?

8 A. Absolutely.

9 Q. All right. Thank you.

10 CHAIRMAN CAMPSSEN: Anybody else? Any  
11 other questions? Senator Malloy.

12 EXAMINATION

13 (By Senator Malloy)

14 Q. First let me say I'm glad I was not at the meeting.  
15 Judge, about what time did you arrive at the  
16 Democratic Caucus?

17 A. It was after 6:00. I did it on the way home.

18 Q. When you say "after 6:00", what time is that? Like  
19 about what time?

20 A. 6:15.

21 Q. About 6:15?

22 A. Yes, sir.

23 Q. Do you know Mr. Seawright?

24 A. Yes, sir.

25 Q. You said earlier that you thought that Mr.

1           **Seawright was Senator Jackson's right-hand man.**

2           A. That's my understanding.

3           **Q. And you did not know he is the political director**  
4           **for the Caucus?**

5           A. I didn't know that before. I guess Antjuan is  
6           moving up.

7           **Q. Its been that ever since he -- for the last couple**  
8           **of years, several years. Had you reached out to**  
9           **the Senator from Richland's assistant in his**  
10          **office?**

11          A. Senator, the way I always understood --

12          **Q. I understand, just answer the question --**

13          A. Oh, no. No, sir.

14          **Q. Did you reach out to the assistant in his office?**

15          A. No, sir.

16          **Q. Do you know where his church is? Did you reach out**  
17          **to him at his church?**

18          A. Yes, sir.

19          **Q. Had not reached him there?**

20          A. Yes, sir. Or, no, sir, I didn't. I called Mr.  
21          Seawright.

22          **Q. And how many times had you talked to Mr. Seawright**  
23          **beforehand?**

24          A. Talked to him every now and then. But are you  
25          talking about for this issue?

1 **Q. Yes, sir.**

2 A. On this issue, I called him once and that's when I  
3 was told to go to the Caucus reception. And then I  
4 called him again to ask him what time.

5 **Q. And the time that you talked to him beforehand,**  
6 **when was that? First time you talked to him about**  
7 **the reception?**

8 A. I can't --

9 **Q. Was it days before or a week before?**

10 A. It was days.

11 **Q. Days. I think -- so help me out with getting**  
12 **there. You said the senator from Richland was on**  
13 **the other side of the room?**

14 A. Yes, sir.

15 **Q. And so when you enter, it's a clubhouse, correct?**

16 A. Yes, sir.

17 **Q. It's a body of water on one side of it.**

18 A. I never saw a body of water.

19 **Q. Never saw a body of water. Okay. So you enter**  
20 **into the door closest to the road? Do you remember**  
21 **where you entered?**

22 A. There was a path. If I wasn't careful, my  
23 wheelchair would have flipped over when I was  
24 driving down it. It was night; I didn't see a  
25 whole lot. I certainly didn't see a body of water.

1       **Q. And so when you came into contact with people**  
2       **before you got to the senator from Richland?**

3       A. When I came in, as I remember, there was two long  
4       tables. Senator Jackson was on the other side of  
5       the room. So I had to go around those tables to  
6       get to him. That's how I maneuvered. With my  
7       wheelchair, I had to stop and wait for not to talk  
8       over -- so a lot of times I just sit there and just  
9       wait.

10      **Q. You ultimately got a chance to talk to the senator**  
11      **from Richland?**

12      A. Yes, sir.

13      **Q. How long did y'all talk?**

14      A. Two or three minutes.

15      **Q. Two or three minutes.**

16      A. Not long.

17      **Q. Okay. And you indicated you were there for about**  
18      **15 minutes.**

19      A. At most 15. I really only think it was 10.

20      **Q. Okay.**

21      A. I say 15 because I'm under oath and I want to make  
22      sure I don't mess up.

23      **Q. I understand. I'm trying to help you get this**  
24      **story out because I want to make certain that we**  
25      **get it right. I want you to be able to tell us any**

1           and everything that you need to because this is  
2           important. How many senators and who did you talk  
3           to while you were there? What senators did you  
4           speak to?

5           A. I talked to Senator Matthews.

6           **Q. Senator Matthews from Orangeburg?**

7           A. Yes, sir. And Senator Jackson. Oh, I did speak to  
8           Senator Hutto.

9           **Q. And did you --**

10          A. Oh, well, when you say "speak" --

11          **Q. Speak, talk --**

12          A. On the way out, I saw Senator Bright and gave her a  
13          hug, but that conversation was 10 seconds at the  
14          most. I hugged her and said "hello."

15          **Q. Did you hand out any business cards there?**

16          A. Oh, no, sir.

17          **Q. I'm just trying to get -- did you ask any senators**  
18          **that -- would you be with me at the appropriate**  
19          **time?**

20          A. No, sir.

21          **Q. Did you ask any senators to consider counting for**  
22          **you?**

23          A. No, sir. I didn't ask that at all.

24          **Q. When you say you talked to Mr. McCarter, when you**  
25          **asked him if it was okay for you come, were you**

1 asking him was it okay for you to come to his  
2 facility or were you asking him if it was okay in  
3 another way to come? Tell me why you asked Mr.  
4 McCarter.

5 A. At the time I thought -- when Antjuan told me to  
6 come the reception at Defender Industries, as a  
7 judge I shouldn't assume things, but I just assumed  
8 that Nicky was the one putting on the reception.  
9 So I thought the proper thing to do was to call Mr.  
10 McCarter and ask him if I could come to his  
11 reception. That was my perspective.

12 Q. You indicated earlier -- you said that Mr.  
13 Seawright said to come to the Democratic Caucus  
14 Reception?

15 A. Yes, sir.

16 Q. So the lady Ms. Wilson, she is a lobbyist?

17 A. Yes, sir.

18 Q. Okay. Do you know if she received an invitation?

19 A. She never said one way or another.

20 Q. And do know whether or not she is a member of the  
21 Caucus?

22 A. Well, I have since talked to her and she said "no."

23 Q. She said she is not a member?

24 A. Yes, sir.

25 Q. Or her lobbying group is not a member?

1 A. She said she's not a member. I think -- I can't  
2 remember exactly how she worded it, but I think  
3 someone that they represent is maybe a member, but  
4 she's not.

5 **Q. Okay. Is her lobbying team a member; do you know?**

6 A. No, sir.

7 **Q. You don't know that?**

8 A. No.

9 **Q. After meeting with senator from Richland, did you**  
10 **recognize other senators there?**

11 A. The ones I just listed.

12 **Q. You saw no other senators?**

13 A. I saw Senator Jackson, Senator Margie Bright  
14 Matthews and Senator Hutto.

15 **Q. And I thought you said the other Senator Jackson, I**  
16 **mean, the other Senator Matthews?**

17 A. Senator Matthews from Orangeburg.

18 **Q. From Orangeburg, John Matthews.**

19 A. Yes.

20 **Q. Senator Bright Matthews. There is two of them.**

21 A. Yes.

22 **Q. So once you saw the senator from Richland, you made**  
23 **your way out. Did you talk to people after you**  
24 **were leaving?**

25 A. I talked a little bit. I knew everybody in the

1 room. I really went there more for a purpose. I  
2 fulfilled my purpose so I just spoke to people on  
3 the way out and made my way out.

4 SENATOR MALLOY: That's all the questions  
5 I have at this time.

6 CHAIRMAN CAMPSSEN: Are there any other  
7 questions?

8 (No response.)

9 CHAIRMAN CAMPSSEN: There being none.  
10 Judge Anderson, thank you for coming and  
11 answering questions. We appreciate you  
12 clarifying what happened. We don't have any  
13 further inquiry at this time.

14 JUDGE ANDERSON: Thank you all. I deeply  
15 apologize.

16 CHAIRMAN CAMPSSEN: Do you have a  
17 statement you want to make further at this  
18 point?

19 JUDGE ANDERSON: Like I said in hindsight  
20 I wouldn't even think about doing this again.  
21 I certainly will -- I have already stated to  
22 Counsel Brogdon, if there is any question at  
23 all in the future, I would absolutely ask for  
24 advice. I just misconstrued the events in  
25 front of me.

1 CHAIRMAN CAMPSSEN: Thank you.

2 (Candidate excused.)

3 CHAIRMAN CAMPSSEN: Do I have a motion for  
4 executive session?

5 MR. HITCHCOCK: So moved.

6 SENATOR HEMBREE: Second.

7 CHAIRMAN CAMPSSEN: Mr. Hitchcock and  
8 second from Senator Hembree. Any discussion?

9 (No response.)

10 CHAIRMAN CAMPSSEN: No discussion. We  
11 will immediately vote. Everybody indicate by  
12 saying aye.

13 BOARD MEMBERS: "Aye."

14 CHAIRMAN CAMPSSEN: Opposed.

15 (No response.)

16 CHAIRMAN CAMPSSEN: The ayes have it.

17 (Off-the-record executive session.)

18 CHAIRMAN CAMPSSEN: No action was taken.  
19 No votes were taken. We have a motion from  
20 Senator Hembree that we recede until 9:30  
21 tomorrow morning.

22 REPRESENTATIVE SMITH: Second.

23 CHAIRMAN CAMPSSEN: All those in favor  
24 indicate by saying aye.

25 BOARD MEMBERS: "Aye."

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CHAIRMAN CAMPSSEN: Opposed?

(No response.)

CHAIRMAN CAMPSSEN: The ayes have it.

(Off the record.)

(There being no further questions,  
the proceedings recessed at 8:15 p.m.)

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CERTIFICATE OF REPORTER

I, LISA F. HUFFMAN, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT-LARGE, HEREBY CERTIFY THAT I REPORTED THE SAID PROCEEDINGS, ON THE 29TH DAY OF NOVEMBER, 2016, THAT THE CANDIDATES WERE FIRST DULY SWORN AND THAT THE FOREGOING 187 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF SAID PROCEEDINGS TO THE BEST OF MY SKILL AND ABILITY.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO, JUDICIAL MERIT SELECTION COMMISSION, 1101 PENDLETON STREET, COLUMBIA, SOUTH CAROLINA 29201, WHO WILL RETAIN THIS SEALED ORIGINAL TRANSCRIPT AND SHALL BE RESPONSIBLE FOR FILING SAME WITH THE COURT PRIOR TO TRIAL OR ANY HEARING WHICH MIGHT RESULT IN A FINAL ORDER ON ANY ISSUE.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 15TH DAY OF DECEMBER, 2016.

\_\_\_\_\_

LISA F. HUFFMAN, COURT REPORTER  
MY COMMISSION EXPIRES JULY 7, 2025